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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-13295-2025 (O&M)

Date of decision: 11.03.2025

Rajender @ Golu

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. D.S. Virk, Advocate for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail to the petitioner in FIR No.505 dated 13.08.2019 under Section 21/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Sirsa, District Sirsa.

2. Learned counsel for the petitioner, *inter alia*, contends that after registration of FIR (*supra*), the petitioner was granted regular bail by learned trial Court vide order dated 10.10.2019 (Annexure P-2) and was regularly appearing, however, due to miscommunication between him and his counsel,



he could not appear before learned trial Court. It is further contended that vide order dated 09.12.2024, learned trial Court, while cancelling bail of the petitioner, forfeited his bail/surety bonds to the State and non-bailable warrants were issued against him.

3. Learned counsel for the petitioner submits that the absence of the petitioner is neither willful nor deliberate and he undertakes to appear before learned trial Court on each and every date of hearing.

4. Learned State counsel appears on advance notice and opposes the prayer made by the petitioner on the ground that neither the petitioner appeared nor any application for exemption from personal appearance was moved, therefore, learned trial Court has rightly passed the aforesaid order dated 09.12.2024, for securing his presence.

5. Having learned counsel for the parties and after perusing the record of the case with their able assistance, this Court finds force in the arguments raised by learned counsel for the petitioner.

6. A perusal of the record reflects that learned trial Court proceeded to pass the extreme order of cancellation of bail for the solitary absence of the petitioner. Many a times, the accused can be prevented by sufficient reasons to put an appearance before the Court on a given date and, therefore, it necessarily cannot be construed as a deliberate and willful absence. The explanation offered for non-appearance before learned trial Court is justified



and, therefore, the same is accepted.

7. While the scheme of criminal justice system necessitates curtailment of personal liberty to some extent, it is of the utmost importance that the same is done in line with the procedure established by law to maintain a healthy balance between personal liberty of the individual-accused and interests of the society in promoting law and order. Such procedure must be compatible with Article 21 of the Constitution of India i.e. it must be fair, just and not suffer from the vice of arbitrariness or unreasonableness.

8. The sole purpose of issuance of non-bailable warrants is to secure presence of the accused before learned trial Court. The petitioner in the present case has himself come forward and has undertaken to appear before learned trial Court on each and every date.

9. In view of the aforesaid facts and circumstances, present petition is allowed and the petitioner is directed to surrender before learned trial Court within a period of one week from today and on his doing so, he will be admitted to bail on his furnishing same bail/surety bonds to the satisfaction of learned trial Court/Illaqa Magistrate concerned.

11.03.2025

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**[HARPREET SINGH BRAR]
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No