

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

**CRM-M-52048-2018
Date of decision-27.11.2018**

Kamal Hasan

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Surinder Thakur, Advocate for the petitioner.

MANOJ BAJAJ, J. (Oral)

Learned counsel for the petitioner prays for treating the petition under Section 482 Cr.P.C to challenge the order dated 30.10.2018 (Annexure P-2) whereby on account of his absence, the trial Court has cancelled his bail and ordered forfeiture of bail bonds and surety bonds and also issued arrest warrants for 27.11.2018.

The FIR No.248 dated 30.11.2015 was registered for the offences punishable under Sections 379-B and 411 read with Section 34 of Indian Penal Code at Police Station Model Town, Hoshiarpur, District Hoshiarpur. It is contended by learned counsel for the petitioner that the petitioner had been regularly appearing before the trial Court on each and every date but on account of his absence on 30.10.2018, extreme order of cancellation of his bail has been passed. Learned counsel further contends that in fact his client had wrongly noted the date and was not aware that the matter is fixed for 30.10.2018.

I have heard learned counsel for the petitioner and has perused the order under challenge.

Many a times, the accused is also prevented by sufficient reasons to cause his appearance before the Court on a given day and the Court should not necessarily construe the absence to be deliberate or wilful.

Considering the conduct of the petitioner who had been regularly appearing before the Court and the explanation given for absence on 30.10.2018 appears to be reasonable, therefore, the order dated 30.10.2018 (Annexure P-2) is set aside and the petitioner is directed to remain on the same bail bonds and the surety bonds.

Disposed off.

(MANOJ BAJAJ)
JUDGE

27.11.2018
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No