

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

CRM-M-3321-2019

Date of decision-24.01.2019

Balwinder Singh and others

...Petitioners

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Naveen Sharma, Advocate for the petitioners.

MANOJ BAJAJ, J.

Petitioners are accused in case FIR No.19 dated 06.03.2018 registered under Sections 399, 402 and 120-B of Indian Penal Code and Section 25 of Arms Act at Police Station Cantt Bathinda, District Bathinda.

Learned counsel for the petitioners contends that petitioners were granted regular bail in the above said FIR and thereafter, they kept on appearing regularly before the Court except on 01.12.2018, when they absented themselves, and Court proceeded to cancel their bail and forfeited the bail bonds. The petitioners were summoned through issuance of warrant of arrest.

Since the petitioners were already extended the concession of regular bail, therefore, anticipatory bail may not be maintainable and resultantly, at this stage, learned counsel for the petitioners makes a prayer to treat the petition under Section 482 Cr.P.C. The prayer is accepted.

Learned counsel for the petitioners contends that the absence of

the petitioners on that date was *bona fide* as the date of hearing was wrongly noted as 01.01.2019 instead of 01.12.2018. 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 shall necessarily cannot be construed as a deliberate and willful absence. The explanation offered appears to be sufficient. It is further submitted that petitioners are ready to appear and join the proceedings before the trial Court.

Notice of motion.

At the asking of the Court, Mr. Harsimar Singh Sitta, AAG, Punjab accepts notice on behalf of the respondent-State. A complete copy of the paper book has been furnished to the learned State counsel, in the Court.

Considering the above sequence of events, the impugned order dated 01.12.2018 (Annexure P-2) is set aside and the petitioners are allowed to remain on the same bail bonds and surety bonds.

Disposed off.

(MANOJ BAJAJ)
JUDGE

24.01.2019
vanita

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