

121 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3227-2019

Date of decision-24.01.2019

Charanjeet Singh @ Channi

...Petitioner

Vs.

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

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

MANOJ BAJAJ, J.

Petitioner is an accused in a case FIR No.231 dated 16.08.2010 registered under Sections 341, 323, 325, 506 and 201 read with Section 34 of Indian Penal Code at Police Station Payal, District Ludhiana.

Learned counsel for the petitioner contends that the matter was fixed for 19.09.2018, however, on account of General Elections of Zila Parishads and Panchayat Samitis, it was declared a holiday. On 20.09.2018 (Anenxure P-2), the matter was taken up and on account of his absence his bail was cancelled and non-bailable warrants were issued. Learned counsel for the petitioner (appellant) contends that the Appellate Court has proceeded to pass the extreme order without issuing any further notice about the change of the date. Learned counsel for the petitioner further contends that his client is ready and willing to join the proceedings and the absence was *bona fide*. It is further argued that the anticipatory bail application dated 01.09.2019 (Annexure P-4) was also filed which has already been

dismissed by the Court as not maintainable.

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.

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 by the petitioner for his absence cannot be attributed to him alone and therefore, the same is accepted.

Considering the above, the impugned order dated 20.09.2018 (Annexure P-2) is set aside and it is ordered that in case the petitioner submits himself before the trial Court within a week, he shall be admitted to bail. It shall be open for the Appellate Court to either allow the appellant on the same bail bonds/surety bonds or may seek fresh one.

Disposed off.

(MANOJ BAJAJ)
JUDGE

24.01.2019

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