

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

101

CRM-M-3584-2019 (O & M)
Date of Decision:25.01.2019

Jugraj Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vikas Arora, Advocate
for the petitioner.

MANOJ BAJAJ, J.(ORAL)

Petitioner is an accused in a case FIR No.71 dated 19.08.2015 under Sections 419, 186 of the Indian Penal Code ('IPC' – for short) and 66 of IT Act registered at Police Station Kiratpur Sahib District Rupnagar.

Learned counsel for the petitioner contends that the matter was fixed for 01.10.2018 before the learned trial Court, however, on account of serious illness of the father of the petitioner, he could not appear on that date. Reliance is placed upon out patient card by PGI, Chandigarh (Annexure P-3) . On account of his absence, bail was cancelled and non-bailable warrants were issued against him. Learned counsel for the petitioner further contends that the petitioner is ready and willing to join the proceedings and the absence was not intentional and bona fide. It is further argued that the anticipatory bail application was also filed by the petitioner before the learned trial Court which has already been dismissed vide order dated 04.01.2019 (Annexure P-4) as not maintainable.

At this stage, learned counsel for the petitioner prays for

treating the petition under Section 482 Cr.P.C.

The prayer is accepted and the petition is treated under Section 482 Cr.P.C.

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 appears justifiable before the trial Court on 01.10.2018 and therefore, the same is accepted. It is further submitted that the petitioner shall continue to appear before the learned trial Court regularly on each and every date of hearing.

Considering the above, the impugned order dated 01.10.2018 (Annexure P-2) is set aside and the petitioner is allowed to remain on the same bail bonds and surety bonds.

Disposed off.

25.01.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No