

125 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8375-2019

Date of decision-25.02.2019

Sonu

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. I.S.Dhaliwal, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner-Sonu has filed this petition under Section 482 of the Code of Criminal Procedure for quashing of order dated 23.08.2018 (Annexure P-2) passed by learned Judicial Magistrate First Class, Malout whereby while cancelling the bail, the bail bonds and surety bonds of the petitioner were ordered to be forfeited and warrants of arrest have been issued in FIR No.75 dated 01.10.2015 registered under Sections 341, 323, 382 and 201 read with Section 34 of Indian Penal Code at Police Station Sadar Malout, Distirct Sri Muktsar Sahib.

Pursuant to the proceedings in the case before the trial Court, the petitioner appeared before the Court and was released on regular bail. However, on 23.08.2018 the petitioner absented as wrong date was noted by the petitioner and the Court proceeded to cancel the bail and issued the non-bailable warrants for 12.09.2018. Further, petitioner moved an application for concession of anticipatory bail before learned Additional Sessions Judge

which was dismissed vide order dated 08.10.2018.

Notice of motion.

At the asking of the Court, Mr. Bhupender Beniwal, 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.

Learned counsel for the petitioner has argued that the petitioner is ready and willing to join the proceedings and his absence on 23.08.2018 was *bona fide* as the petitioner noted the wrong date.

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.

Considering the above sequence of events, the impugned order dated 23.08.2018 (Annexure P-2) is set aside and the petitioner is allowed to remain on the same bail bonds and surety bonds.

Disposed off.

(MANOJ BAJAJ)
JUDGE

25.02.2019

vanita

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