

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

108

CRM-M-5280-2019 (O & M)
Date of Decision:04.02.2019

Mainual

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Harmeet Kaur, Advocate
for the petitioner.

MANOJ BAJAJ, J.(ORAL)

Petitioner has prayed for grant of pre-arrest bail in case FIR No.13 dated 12.04.2016, under Sections 379 and 411 of the Indian Penal Code ('IPC' – for short) registered at Police Station Purana Shalla, District Gurdaspur.

It is contended that the petitioner was on regular bail and on account of his absence on 23.07.2018, the Court proceeded to cancel the bail and issued the non-bailable warrants. The order is attached with the petition as Annexure P-4.

Learned counsel for the petitioner has contended that it was on account of the illness of his daughter, he could not attend the date of hearing before the trial Court.

At this stage, on the oral request of the petitioner, 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 in this petition. A copy of the paper book has been handed over to the learned State counsel, in the Court.

The FIR was registered in the year 2016 and on account of absence before the trial Court on 23.07.2018, the extreme order of cancellation of bail has been passed. The counsel has drawn the attention of the Court to the OPD slip of the daughter of the petitioner, who is stated to be under treatment for heart ailment. It is to be borne in mind that at times the accused can be prevented by sufficient reasons to put in appearance before the trial Court on a given date and, therefore, such absence necessarily cannot be construed as a deliberate or willful. The explanation offered by learned counsel for the petitioner appears to be reasonable and the same is accepted.

Considering the above, the impugned order is set aside and it is ordered that petitioner shall remain on bail either on the same bail bonds or the learned trial Court may seek fresh bail bonds etc.

Disposed off.

04.02.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No