

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

102

CRM-M-10435-2019 (O & M)
Date of Decision:07.03.2019

Sukhjeet Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Surinder Garg, Advocate
for the petitioner.

MANOJ BAJAJ, J.(ORAL)

The petitioner has preferred this pre-arrest bail in Criminal Complaint No.RT-45 dated 20.07.2012 under Sections 304-A/304/279/337/338/427 of the Indian Penal Code ('IPC' – for short) as during the trial proceedings vide order dated 22.01.2019, the bail of the petitioner was cancelled as he failed to appear on the said date. At the same time, bail bonds and surety bonds were forfeited and the trial Court had proceeded to issue non-bailable warrants for 06.02.2019.

Learned counsel for the petitioner has apprised the Court that the matter is now fixed for 11.04.2019 before the learned trial Court. He has further pointed out that on the date fixed the Presiding Officer of the Court was on leave and, therefore, the matter was fixed before some other Court and this fact was not in the knowledge of the accused/petitioner, thereby resulting his absence before the trial Court, though the Advocate of the petitioner had appeared. Prior to this, the petitioner had been regularly attending the date of hearing before the Court.

On the oral request made by learned counsel for the petitioner, the petition is treated under Section 482 of the Code of Criminal Procedure.

At this stage, issuance of notice to the respondent (complainant) would be a formality and, therefore, the same is not being issued as it would cause extra burden upon him.

The explanation for absence before the trial Court on the given date i.e. 22.01.2019 appears to be plausible and, therefore, the same is accepted.

Considering the above, the impugned order dated 22.01.2019 is set aside and the petitioner is allowed to remain on the same bail bonds and surety bonds.

Petition stands allowed.

07.03.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No