

CRM-M-17035-2019

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

**CRM-M-17035-2019
Date of decision-12.04.2019**

Darshan Singh

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. P.S.Sekhon, Advocate for the petitioner.

MANOJ BAJAJ, J.

This petition has been filed under Section 482 Cr.P.C for quashing of order dated 08.04.2019 passed in FIR No.172 dated 09.08.2018 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 Act at Police Station Bhawanigarh, District Sangrur whereby the application for exemption from personal appearance of the accused (petitioner) was declined.

Learned counsel for the petitioner contends that the case was fixed for 08.04.2019 and on the given date, he was unable to attend the date of hearing in person on account of his illness and the requisite application was made seeking exemption from personal appearance, however, the Court refused to grant exemption and proceeded to cancel the bail of the petitioner.

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.

At times, the complainant or accused can be prevented by a sufficient reason to put an appearance before the Court on a given date and every such absence necessarily cannot be treated as a wilful or deliberate.

In the present case, the Court has proceeded to pass an extreme order of cancellation of bail only on account of absence of the petitioner, which was well explained by the counsel representing him. There are no reasons given in the impugned order by the Court, to disbelieve the stand of illness of the accused. It needs to be borne in mind that merely because a person is an accused before the Court, his/her right to life can not be construed to be suspended. It is desirable that the Court should record necessary satisfaction before passing such an harsh order, which is adverse to the interest of the accused and must record the conduct for absence.

This Court does not find any reason to disbelieve the explanation offered by the petitioner and the same is accepted.

In view of the above, impugned order dated 08.04.2019 (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

12.04.2019

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Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No