

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

**CRR-1316-2019 (O&M)
Date of decision-28.05.2019**

Vinod @ Munnu

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.U.S.Rana, Advocate for the petitioner.

MANOJ BAJAJ, J.

The petitioner has preferred this revision against the order dated 14.03.2019 passed by learned Sessions Judge, Jhajjar, whereby on account of non-appearance of accused (petitioner), the trial Court proceeded to cancel the bail of the petitioner and forfeited the bail bonds to the State. At the same time, non-bailable warrants were issued against the accused to secure his presence.

Learned counsel for the petitioner contends that due to the arrest of the petitioner in FIR No.28 dated 07.03.2019 under Sections 379 and 411 IPC at Police Station Kapurthala, Punjab, he failed to appear before the trial Court on 14.03.2019 in case FIR No.1015 dated 15.11.2017. Prior to this, the petitioner has been regularly attending the date of hearing before the Court. It is pointed out that the petitioner was prevented by sufficient reason to put in his appearance before the trial Court and therefore, the Court proceeded to pass the extreme order only on account of one absence on the

part of the petitioner.

Since the order impugned is interlocutory in nature, therefore, the present petition may not be maintainable in view of Section 397 (2) Cr.P.C. Faced with the situation, learned counsel for the petitioner makes a prayer to treat the petition under Section 482 Cr.P.C. The prayer is accepted.

Notice of motion.

At the asking of the Court, Mr. Sukhdeep Parmar, DAG, Haryana 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 for non appearance before the trial Court is justified and therefore, the same is accepted.

Considering the above, the impugned order dated 14.03.2019 is set aside and the petitioner is allowed to remain on the same bail bonds and surety bonds.

Disposed off.

(MANOJ BAJAJ)
JUDGE

28.05.2019

sheetal/vanita

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No