

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

**CRM-M No. 33052 of 2019
Date of Decision:-17.09.2019**

Tejpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Arjun Veer Sharma, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ J.(Oral)

Petitioner-Tejpal Singh has filed this petition under Section 482 of the Code of Criminal Procedure for quashing of order dated 08.5.2019 (Annexure P-4) passed by learned Judge, Special Court, Ludhiana, 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 case CS No.881 of 2017 in FIR No.170 dated 16.8.2017, under Section 379 IPC and Section 21 of Mines and Minerals (Development and Regulation) Act, 1957, registered at Police Station Machiwara, District Khanna.

Learned counsel for the petitioner contends that vide order dated 23.8.2017 (Annexure P-2), the petitioner was granted regular bail by

the Additional Sessions Judge, Ludhiana. Thereafter the challan was presented and the trial started. During the trial, the petitioner was regularly appearing before the learned trial Court and was facing the trial. However, on 08.5.2019 the petitioner could not attend the proceedings as he had noted the wrong date i.e. 18.5.2019 instead of 08.5.2019 and the Court proceeded to cancel the bail and issued the non-bailable warrants. Learned counsel for the petitioner has argued that the petitioner is ready and willing to join the proceedings and his absence on 08.5.2019 was *bona fide*.

Notice of motion.

At the asking of the Court, Mr. Mr. Ramdeep Partap Singh, DAG, 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.

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 appears to be sufficient.

Considering the above sequence of events, the impugned order dated 08.5.2019 (Annexure P-4) is set aside and the petitioner is allowed to remain on the same bail bonds and surety bonds.

Disposed off.

September 17, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No