

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

**CRM-M-38238-2019
Date of decision-09.09.2019**

Aminder Pal Singh

...Petitioner

Vs.

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Aashish Bishnoi, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner-Aminder Pal Singh has filed this petition under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in criminal appeal No.CRA-128-2018, titled as “Aminder Pal Singh Vs. Neeraj Goyal” preferred against the order dated 12.03.2018 passed by Judicial Magistrate First Class, Ludhiana whereby appellant was convicted under Section 138 of Negotiable Instruments Act, 1881 for two years.

Learned counsel for the petitioner contends that on 08.04.2019, the petitioner absented himself and the appellate Court proceeded to cancel his bail and forfeited the bail bonds. It is submitted that the petitioner had noted the wrong date as 18.04.2019 instead of 08.04.2019 and caused absence on the given date.

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 to State only.

At the asking of the Court, Mr. Hittan Nehra, Addl.AG, 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.

This Court is of the opinion that issuance of notice to the respondent No.2 may not be necessary as it may cause unnecessary burden upon him

Many a times, the accused or counsel can be prevented by sufficient reasons to put an appearance before the Court on a given date and every such absence cannot be necessarily construed as a deliberate and willful absence. The explanation offered for non appearance before the trial Court appears to be justified and therefore, the same is accepted.

Considering the above, the impugned order dated 08.04.2019 (Annexure P-3) is set aside and the petitioner is allowed to remain on the same bail bonds and surety bonds.

Disposed off.

(MANOJ BAJAJ)
JUDGE

09.09.2019

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No