

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

**CRM-M-36615-2019 (O&M)**

**Date of decision-02.09.2019**

**Kuldeep Singh**

**....Petitioner**

**Vs.**

**State of Punjab**

**...Respondent**

**CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Ms. Pawandeep Kaur, Advocate for  
Mr. P.S.Mirpur, Advocate for the petitioner.

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**MANOJ BAJAJ, J.**

**CRM-26341-2019**

Application is allowed as prayed for.

Annexures P-1 to P-3 are taken on record subject to all just exceptions.

**Main case**

Petitioner-Kuldeep Singh has filed this petition under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.53 dated 20.05.2015 registered under Sections 307, 341, 120-B and 148 read with Section 149 of Indian Penal Code and Sections 25, 54 and 59 of Arms Act registered at Police Station Sardulgarh, District Mansa.

Learned counsel for the petitioner contends that on 20.08.2019, the petitioner was not in a position to attend the Court as he was not keeping good health. The application in this regard for exemption from personal appearance was made, however, the trial Court proceeded to dismiss the

same and at the same time, cancelled the bail and forfeited the bail bonds.

Since the petitioner was already on bail, therefore, the petition under Section 438 Cr.P.C may not be maintainable and on oral request of learned counsel for the petitioner, petition is treated under Section 482 Cr.P.C.

Notice of motion.

At the asking of the Court, 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 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 20.08.2019 (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**

**02.09.2019**

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Whether speaking/reasoned :  
Whether Reportable :

|     |    |
|-----|----|
| Yes | No |
| Yes | No |