

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

**CRM-M-41630-2019
Date of decision-27.09.2019**

Rishab Kohli

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Parmod Chauhan, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner-Rishab Kohli has filed this petition under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.71 dated 12.08.2017 registered under Sections 21,61 and 85 of Narcotic Drugs and Psychotropic Substances Act, 1985 Act at Police Station Phase-VIII, District SAS Nagar, Mohali.

Learned counsel for the petitioner contends that petitioner was granted regular bail in the above said FIR vide order dated 30.10.2017 (Annexure P-2) and thereafter, he kept on appearing regularly before the Court except on 06.08.2019, when the petitioner absented himself and the trial Court proceeded to cancel his bail and forfeited the bail bonds. It is submitted that the petitioner had noted the wrong date as 06.09.2019 instead of 06.08.2019 and caused absence on the given date.

When learned counsel was confronted with the maintainability of the petition, he 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. Balbir Singh Sewak, Addl.A.G, 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.

A perusal of the order dated 06.08.2019 reveals that the trial Court passed the harsh order for absence of the accused, who was on bail since 30.10.2017. Even counsel of the accused was absent on the said date and it may be because of noting a wrong date as pleaded by petitioner.

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 06.08.2019 (Annexure P-4) and subsequent issuance of warrants (if any) on 31.08.2019, are set aside and the petitioner is allowed to remain on the same bail bonds and surety bonds.

Disposed off.

(MANOJ BAJAJ)
JUDGE

27.09.2019

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Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No