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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42673-2019
Date of decision-04.10.2019

Surjit Kaur

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Harpreet Dandiwal, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner-Surjit Kaur has filed this petition under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in case FIR No.32 dated 04.04.2018 registered under Sections 15, 61 and 85 of Narcotic Drugs and Psychotropic Substances Act, 1985 Act at Police Station Jhunir, District Mansa.

Learned counsel for the petitioner contends that on 21.08.2019, the petitioner reached late to attend the date of hearing and by that time, the trial Court proceeded to cancel her bail and forfeited the bail bonds. Learned counsel further submits that the absence of the petitioner before the Court was neither intentional nor deliberate.

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. 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 his 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. It may be noticed here that the FIR was registered on 04.04.2018 as the petitioner-accused was found in possession of 5 k.g of poppy husk and she was later on released on regular bail. A perusal of the impugned order does not record any satisfaction that either the petitioner was repeatedly absenting from the Court proceedings or was deliberately not appearing before it. In the given facts, 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 21.08.2019 (Annexure P-2) and subsequent issuance of warrants (if any) on 21.08.2019 are set aside and the petitioner is allowed to remain on the same bail bonds and surety bonds.

Disposed off.

(MANOJ BAJAJ)
JUDGE

04.10.2019

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Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No