

111

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45592-2019
Date of decision-24.10.2019

Gurdeep Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Navraj Singh, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner-Gurdeep Singh has filed this petition under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in case FIR No.27 dated 06.04.2017 under Sections 15, 18, 21, 22 and 29 Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Bilga, District Jalandhar (Rural).

Learned counsel for the petitioner contends that on 26.09.2019 the petitioner absented 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 of hearing as 28.09.2019 instead of 26.09.2019 and it caused his absence before trial Court on the said 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. 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.

A perusal of the order dated 26.09.2019 reflects that the trial Court proceeded to pass the extreme order for this solitary absence of petitioner, who was on bail. Even counsel of the petitioner was not present on the said date and it may be because of noting a wrong date as explained by the petitioner.

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. 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 26.09.2019 (Annexure P-2) and subsequent issuance of warrants (if any) on 15.10.2019 are set aside and the petitioner is allowed to remain on the same bail bonds and surety bonds.

Disposed off.

(MANOJ BAJAJ)
JUDGE

24.10.2019

Gulati/vanita

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No