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

CRM-M-47340-2019

Date of Decision: 06.11.2019

Balwinder Singh @ Bindu

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Satnam Singh Gill, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

Petitioner-Balwinder Singh @ Bindu has filed this petition under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in case FIR No.162 dated 25.09.2018 under Section 22 of the NDPS Act, 1985, registered at Police Station Samana, District Patiala.

Learned counsel for the petitioner contends that on 20.09.2019 the petitioner absented himself from the Court proceedings and the trial Court proceeded to cancel his bail and forfeited the bail bonds. It is submitted that the petitioner could not appear on the said date as his real uncle expired on the same date. In support of his submission, he has placed before this Court Transportation Slip issued by GMC, Patiala disclosing the said facts and handing over the dead body to the relatives.

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 20.09.2019 reflects that the trial Court proceeded to pass the extreme order for this solitary absence of petitioner, who was on bail since 15.10.2018.

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 20.09.2019 (Annexure P-1) and subsequent issuance of warrants (if any) are set aside and the petitioner is allowed to remain on the same bail bonds and surety bonds.

Disposed off.

06.11.2019
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No