

123 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50876-2019
Date of decision-29.11.2019

Sukhwinder Singh @ Kaka

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. G.S.Bawa, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner-Sukhwinder Singh @ Kaka has filed this petition under Section 482 Cr.P.C for quashing of the order dated 06.09.2019 (Annexure P-3) whereby on account of the absence of the petitioner during trial in FIR No.17 dated 23.02.2019 registered under Sections 21 and 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Ramdas, District Amritsar, his bail was cancelled and further bonds were forfeited to the State

Pursuant to the proceedings in the case before the trial Court, the petitioner appeared before the Court and was released on regular bail vide order dated 25.03.2019. However, on 06.09.2019, due to ill health, the petitioner absented and the trial Court proceeded to cancel the bail and forfeited the bail bonds.

Learned counsel for the petitioner has argued that the petitioner is ready and willing to join the proceedings and his absence on 06.09.2019 was *bona fide* as the petitioner was not well on the said date.

Notice of motion.

At the asking of the Court, Mr. Kirat Singh Sidhu, 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 06.09.2019 reflects that the trial Court proceeded to pass the extreme order for this solitary absence of petitioner, who was on bail since 25.03.2019.

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 06.09.2019 (Annexure P-3) and subsequent issuance of warrants (if any) on 06.09.2019 are set aside and the petitioner is allowed to remain on the same bail bonds and surety bonds.

Disposed off.

29.11.2019

vanita

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :

Yes No

Whether Reportable :

Yes No