

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

**CRM-M-52411-2019
Date of decision-09.12.2019**

Ravinder Singh Arora and anotherPetitioners

Vs.

State of Punjab and others ...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. A.P.Setia, Advocate for the petitioners.

MANOJ BAJAJ, J.

Petitioners have filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in criminal complaint case arising out of FIR No.97 dated 03.06.2018 registered under Sections 324 and 506 read with Section 34 of Indian Penal Code, 1860 at Police Station Punjab Agricultural University, Ludhiana.

Learned counsel for the petitioners submits that on 17.07.2019 on account of absence of the petitioners, learned trial Court, proceeded to cancel their bail and forfeited the bail bonds to the State. It is also pointed out that petitioner No.1--Ravinder Singh Arora is a senior citizen, aged about 60 years, who had already got his tickets booked for his visit to Ludhiana to appear before the learned trial Court, however, because of his

sickness, he could not travel and got the tickets cancelled. He has invited the attention of the Court to the said tickets i.e. Annexure P-3 (colly). He submits that the application for seeking exemption from personal appearance was also dismissed by the trial Court on the ground that the prayer is not supported by any medical certificate. He further submits that the offences are bailable and the petitioners are ready and willing to participate in the trial proceedings.

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 this stage, Mr. Nitin Sachdeva, Advocate appears and files memo of appearance on behalf of complainant/respondent No.2. Memo of appearance is taken on record.

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.

Learned counsel for the complainant has opposed the prayer on the ground that the petitioners were aware of the date of hearing and they did not appear before the Court, therefore, the Court rightly proceeded to cancel their bail. He has argued that the order passed by the trial Court is justified as the application for exemption was not supported by any medical certificate.

After hearing learned counsel for the parties, this Court is of the

opinion that the absence of the petitioners before the trial Court on 17.07.2019 appears to be justified. Merely because the application for exemption was not supported by the medical certificate, it cannot be said that the said prayer was not worth believing. It is to be kept in mind by the trial Court that in the present case, the accused have to travel a long way from Indore to Ludhiana who have been attending the date of hearing regularly.

At 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 17.07.2019 (Annexure P-2) is set aside and the petitioners are allowed to remain on bail and on the same bail bonds and surety bonds furnished at the stage of release on regular bail.

Disposed off.

(MANOJ BAJAJ)
JUDGE

09.12.2019

Anjal/vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No