

**Sr. No.125 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-52503-2019
Date of decision-09.12.2019**

Amritpal Singh @Raju

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Vikas Gupta, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner Amritpal Singh @Raju has filed this petition under Section 482 of Code of Criminal Procedure seeking quashing of the order dated 29.05.2019 (Annexure P-3), whereby the bail of the petitioner was cancelled and bonds were forfeited to the State, as the petitioner did not appear before the learned trial Court due to noting of wrong date of hearing in case FIR No.56 dated 28.03.2019 for offence under Section 379-B and 411 of Indian Penal Code, 1860, registered at Police Station Cantonment, District Police Commissionerate Amritsar.

Learned counsel for the petitioner contends that on 29.05.2019, the accused-petitioner absented himself and the learned trial Court proceeded to cancel his bail and forfeited the bonds. It is submitted that the petitioner had noted the wrong date of hearing as 29.07.2019 instead of 29.05.2019 and it caused his absence before the trial Court on the said date.

Notice of motion.

At the asking of the Court, Mr.Kirat Singh Sidhu, learned DAG, Punjab, accepts notice on behalf of the respondent-State of Punjab. A complete copy of the paper book has been furnished to the learned State counsel, in the

A perusal of the order dated 29.05.2019 reflects that the trial Court proceeded to pass the extreme order for this solitary absence of petitioner, who was on bail. Even counsel for 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 by the petitioner for his non-appearance before the trial Court appears to be justified and therefore, the same is accepted.

Considering the above, the impugned order dated 29.05.2019 (Annexure P-3) is set aside and the petitioner is allowed to remain on bail and on the same bail bonds and surety bonds furnished by him at the stage of release on regular bail.

Disposed off.

(MANOJ BAJAJ)
JUDGE

09.12.2019
Anjal

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