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

**CRM-M-53978-2019
Date of decision-17.12.2019**

Pargat Singh

...Petitioner

Vs.

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ranjodh Singh Sidhu, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner-Pargat Singh has filed this petition under Section 482 Cr.P.C for quashing of the order dated 10.10.2019 (Annexure P-3) whereby on account of the absence of the petitioner during trial in appeal bearing No. CRA-31 of 2019 titled as “Pargat Singh Vs.Gurbir Singh” arising out of complaint No.217-2016 dated 12.07.2016 registered under Section 138 Negotiable Instruments Act, 1881, his bail was cancelled and further bonds were forfeited to the State.

Learned counsel for the petitioner contends that on 10.10.2019, the petitioner absented himself and the appellate Court proceeded to cancel his bail and forfeited the bail bonds. It is submitted that the petitioner had noted the wrong date as 09.11.2019 instead of 11.09.2019 and the case was

further adjourned to 10.10.2019. The petitioner could not appear on 10.10.2019 as he had noted down the date of hearing as 09.11.2019 and caused the absence on the said date.

Notice of motion to State only.

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.

This Court is of the opinion that issuance of notice to the respondent No.2 may not be necessary as it may cause unnecessary burden upon him. However, it is made clear that in case any of the facts as pleaded in the petition are found to be incorrect or misleading, it shall be open for respondent No.2 to move an application for recalling of this order.

A perusal of the order dated 10.10.2019 reflects that the Appellate Court proceeded to pass the extreme order for this absence of petitioner, who was on bail since 18.02.2019.

After hearing learned counsel for the petitioner, this Court is of the opinion that 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 appellate Court appears to be justified and therefore, the same is accepted.

Considering the above, the impugned order dated 10.10.2019 (Annexure P-3) and subsequent issuance of warrants on 10.10.2019 are set aside and the petitioner is allowed to remain on the same bail bonds and

surety bonds furnished before the Appellate Court.

Disposed off.

(MANOJ BAJAJ)
JUDGE

17.12.2019

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