

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

CRM-M-928-2020

Date of decision-13.01.2020

Kamaljit Singh @ Sonu

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Naveen Batra, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.128 dated 03.06.2017 registered under Sections 22 and 28 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Tanda, District Hoshiarpur.

Learned counsel for the petitioner submits that on 30.09.2019 due to ill health, petitioner absented himself and learned trial Court, proceeded to cancel his bail and forfeited the bail bonds to the State. He further submits that the petitioner is 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 the asking of the Court, Mr. Prabhjot Singh Walia, AAG, 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 30.09.2019 reflects that the trial Court proceeded to pass the extreme order for this solitary absence of petitioner, who was on bail.

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 30.09.2019 (Annexure P-2) and subsequent issuance of warrants (if any) on 30.09.2019 are set aside and the petitioner is allowed to remain on the same bail bonds and surety bonds.

Disposed off.

(MANOJ BAJAJ)
JUDGE

13.01.2020

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