

105

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1445-2020

Date of decision-15.01.2020

Parminder Singh @ Pinder

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Atul Goyal, 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.92 dated 05.05.2017 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Ludhiana, District Ludhiana City.

Learned counsel for the petitioner contends that the trial Court had granted the concession of regular bail to the petitioner on 07.06.2017 and thereafter, the petitioner kept on appearing before the Court regularly. It was on 07.12.2019, the petitioner absented himself and the Court proceeded to cancel his bail and forfeited the bail bonds. He submits that when the bail was cancelled, the trial was at the stage of final arguments as the defence evidence already stood produced. He submits that now the case is fixed for

17.01.2020. It is submitted that the petitioner's health was not well due to dengue fever, therefore, he could not appear before the trial Court on the said date. He has invited the attention to Annexure P-5 i.e prescription slip issued by Lall Nursing Home & Child Care Centre, Ludhiana. 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 07.12.2019 (Annexure P-4) reflects that the trial Court proceeded to pass the extreme order for this solitary absence of petitioner, who was on bail since 07.06.2017.

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 07.12.2019 (Annexure P-4) and subsequent issuance of warrants (if any) on 07.12.2019 are set aside and the petitioner is allowed to remain on the same bail bonds

and surety bonds.

Disposed off.

(MANOJ BAJAJ)
JUDGE

15.01.2020

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