

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3428-2020

Date of decision-27.01.2020

Somnath

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Himanshu Puri, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner-Somnath has filed this petition under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in case FIR No.47 dated 24.04.2019 under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Subhanpur, District Kapurthala.

Learned counsel for the petitioner contends that on 04.12.2019 the petitioner absented and the trial Court proceeded to cancel his bail and forfeited the bail bonds. It is submitted that the petitioner had noted the wrong date of hearing as 14.12.2019 instead of 04.12.2019 and it caused his absence before trial Court on the said date. 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 04.12.2019 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 04.12.2019 (Annexure P-2) and subsequent issuance of warrants (if any) on 04.12.2019 are set aside and the petitioner is allowed to remain on the same bail bonds and surety bonds.

Disposed off.

(MANOJ BAJAJ)
JUDGE

27.01.2020

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