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

CRM-M-7780-2020

Date of decision-24.02.2020

Dharampal

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ravi Malhotra, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner-Dharampal has filed this petition under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in case FIR No.101 dated 22.05.2017 under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Adampur, District Jalandhar.

Learned counsel for the petitioner contends that the trial Court had granted the concession of regular bail to the petitioner on 28.09.2017 and thereafter, the petitioner kept on appearing before the Court regularly. On 30.10.2019 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 30.01.2020 instead of 30.10.2019 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 30.10.2019 reflects that the trial Court proceeded to pass the extreme order for this solitary absence of petitioner, who was on interim regular bail since 21.07.2017.

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 30.10.2019 (Annexure P-3) and subsequent issuance of warrants (if any) on 30.10.2019 are set aside and the petitioner is allowed to remain on the same bail bonds and surety bonds.

Disposed off.

(MANOJ BAJAJ)
JUDGE

24.02.2020

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Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No