

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

CRM-M-36317-2020

Date of decision-06.11.2020

Harpreet Singh

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Pradeep Sharma, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner-Harpreet Singh has filed this petition under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in case FIR No.283 dated 08.07.2018 under Sections 61, 1 and 14 Excise Act, 1914 at Police Station City Barnala, District Barnala.

Learned counsel for the petitioner contends that the trial Court had granted the concession of pre-arrest bail to the petitioner on 13.08.2018 (Annexure P-2) and thereafter, the petitioner kept on appearing before the Court regularly. On 29.01.2020, the petitioner could not put an appearance due to his daughter's marriage and the trial Court proceeded to cancel his bail and forfeited the bail bonds. It is further submitted that though the petitioner had requested to his counsel to move an application for exemption from personal appearance, however, needful was not done and therefore, bail was cancelled. Learned counsel has invited the attention of the Court to the subsequent orders passed by the trial Court whereby case was adjourned in the wake of spread of COVID-19 in the region and therefore, petitioner could not join the proceedings. Learned counsel states that since the restrictions have been relaxed by the Administration and the case is now fixed before the trial Court for 14.12.2020 and the petitioner is ready and willing to join 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. M.S.Nagra, AAG, Punjab accepts notice on behalf of the respondent-State.

A perusal of the order dated 29.01.2020 reflects that the trial Court proceeded to pass the extreme order for the solitary absence of petitioner, who was on bail since 13.08.2018.

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 29.01.2020 (Annexure P-3) and subsequent issuance of warrants, if any, are set aside subject to appearance of the petitioner before the trial Court on or before 14.12.2020 and he is allowed to remain on the same bail bonds and surety bonds.

Disposed off.

06.11.2020

vanita

(MANOJ BAJAJ)

JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No