

115 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1065-2021

Date of decision-11.01.2021

Gurdeep Singh

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Monty Goyal, Advocate for the petitioner.

MANOJ BAJAJ, J.

This petition has been filed under Section 482 Cr.P.C for quashing of order dated 26.02.2020 (Annexure P-2) passed by the trial Court in case FIR No.74 dated 04.05.2019 registered under Section 22 Narcotic Drugs and Psychotropic Substances Act, 1985 Act at Police Station City-1, Sangrur, District Sangrur, whereby on account of his absence, the bail of the petitioner was cancelled and non-bailable warrants were issued against him to secure his presence.

Learned counsel for the petitioner contends that the concession of regular bail was extended to the petitioner on 29.05.2019 by Special Court, Sangrur and thereafter, the petitioner kept on appearing before the trial Court regularly. On 26.02.2020, 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 10.02.2020 instead of 26.02.2020 which resulted in his absence from the

trial on the actual date of hearing. He further submits that after breakout of COVID-19, the case is being adjourned. He submits that the petitioner is ready and willing to participate in the trial proceedings and the date of hearing is now fixed for 22.01.2021.

Notice of motion.

At the asking of the Court, Mr. Sandeep Singh Deol, DAG, Punjab accepts notice on behalf of the respondent-State and submits that advance copy of the petition has already been received by him. He has submitted that as the petitioner failed to appear before the Court on the date fixed nor any request was made on his behalf, therefore, the Court rightly cancelled his bail.

A perusal of the order dated 26.02.2020 reflects that the trial Court proceeded to pass the extreme order for this solitary absence of petitioner, who was on regular bail since 29.05.2019. 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 by the petitioner behind his non appearance before the trial Court on 26.02.2020 appears to be probable and therefore, the same is accepted. Even otherwise, the trial is not making any progress as a result of the breakout of pandemic COVID-19.

Considering the above, the impugned order dated 26.02.2020 (Annexure P-2) and subsequent issuance of warrants (if any) on 26.02.2020 are set aside and it is directed that the petitioner shall appear before the trial

Court on or before the date fixed who shall continue to remain on the same bail bonds and surety bonds furnished by him at the stage of regular bail.

Disposed off.

(MANOJ BAJAJ)
JUDGE

11.01.2021
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No