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

CRM-M-28567-2021

Date of Decision: 23.07.2021

Daljit Singh @ DC

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Kuljit Kaur, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in case FIR No.113 dated 30.05.2019 under Section 21 NDPS Act, 1985, registered at Police Station Civil Lines Batala, Punjab, who apprehends his arrest at the hands of police, pursuant to the cancellation of his bail vide order dated 19.04.2021 (Annexure P-4), passed by the trial Court.

Learned counsel for the petitioner has submitted that vide order dated 04.07.2019, petitioner was granted interim regular bail by this Court and thereafter, he kept on appearing regularly before the Court below. However, on 16.03.2020, petitioner did not appear before the trial Court, as he was found COVID-19 positive and remained under isolation and the Court proceeded to cancel his bail and forfeited the bail bonds vide order dated 19.04.2021 (Annexure P-4). He submits that the petitioner is ready and willing to participate in the trial proceedings and the date of hearing is now fixed for 29.07.2021.

When learned counsel was confronted with the maintainability

of the petition, she 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. Ramandeep Sandhu, Sr. DAG, Punjab, accepts notice on behalf of the respondent-State.

A perusal of the order dated 19.04.2021 (Annexure P-4) reflects that the trial Court proceeded to pass the extreme order of cancellation of bail for the solitary absence of petitioner, who was on regular bail since 04.07.2019.

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 petitioner for non appearance before the appellate Court appears to be justified and therefore, the same is accepted.

Considering the above, the impugned order dated 19.04.2021 (Annexure P-4) is set aside subject to appearance of the petitioner before the trial Court on or before the next date of hearing i.e.29.07.2021 and he is allowed to remain on the same bail bonds and surety bonds.

Disposed off.

23.07.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No