

CRM-M-42803-2021

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

CRM-M-42803-2021

Date of decision-11.10.2021

Harpreet Singh @ Happy

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. J.S.Thakur, Advocate for the petitioner.

MANOJ BAJAJ, J.

This petition has been filed under Section 482 Cr.P.C for quashing of order dated 28.07.2021 (Annexure P-4) passed by the trial Court in case FIR No.48 dated 26.03.2017 registered under Sections 15, 18, 21, 22 and 29 Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Adampur, District Jalandhar, whereby on account of absence of the petitioner, his bail 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 13.10.2017 by Special Court, Jalandhar and thereafter, the petitioner kept on appearing before the trial Court regularly. On 28.07.2021, the petitioner absented and the trial Court proceeded to cancel his bail and forfeited

the bail bonds. It is submitted that the petitioner could not appear on the said date due to outbreak of COVID-19. He submits that the petitioner is ready and willing to participate in the trial proceedings and the date of hearing is now fixed for 26.10.2021.

Notice of motion.

At the asking of the Court, Mr. Ramandeep Singh Sandhu, Sr.DAG, Punjab accepts notice on behalf of the respondent-State and has submitted that as the petitioner failed to appear before the Court on the date fixed and no request was made on his behalf, therefore, the Court rightly cancelled his bail.

A perusal of the order dated 28.07.2021 reflects that the trial Court proceeded to pass the extreme order on account of his solitary absence after grant of regular bail on 13.10.2017. 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 by the petitioner behind his non appearance before the trial Court on 28.07.2021 appears to be probable and therefore, the same is accepted.

Considering the above, the impugned order dated 28.07.2021 (Annexure P-4) is set aside subject to appearance of the petitioner before the trial Court on or before 26.10.2021 and the

petitioner is allowed to remain on the same bail bonds and surety bonds. In case, petitioner does not appear, the order dated 28.07.2021 shall remain intact.

Disposed off.

(MANOJ BAJAJ)
JUDGE

11.10.2021
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No