

105

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43232-2021

Date of decision-13.10.2021

Paramjit Singh @ Pammi

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Kuldeep Singh Siwach, Advocate for the petitioner.

MANOJ BAJAJ, J.

Accused-Paramjit Singh @ Pammi is aggrieved against the order dated 10.03.2021 (Annexure P-9) passed by the trial Court in case FIR No.412 dated 27.12.2019 under Sections 21 (b) and 27 (a) Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sadar Ratia, District Fatehabad, whereby his bail was cancelled on account of his absence and the bail bonds were forfeited.

Learned counsel for the petitioner contends that the concession of regular bail was extended to the petitioner on 15.01.2020 by Special Court, Fatehabad and thereafter, the petitioner kept on appearing before the trial Court regularly. On 10.03.2021, 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 as his counsel did not inform him about the date fixed. He submits that the petitioner is ready and willing to participate in the trial proceedings and the date of hearing is now fixed for 01.11.2021.

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 10.03.2021 reflects that the trial Court proceeded to pass the extreme order on account of his solitary absence after grant of regular bail on 15.01.2020. 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 10.03.2021 appears to be probable and therefore, the same is accepted.

Considering the above, the impugned order dated 10.03.2021 (Annexure P-9) is set aside subject to appearance of the petitioner before the trial Court on or before 01.11.2021 and the

petitioner is allowed to remain on the same bail bonds and surety bonds. In case, petitioner does not appear, the order dated 10.03.2021 shall remain intact.

Disposed off.

(MANOJ BAJAJ)
JUDGE

13.10.2021
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No