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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44792-2021

Date of Decision: 28.10.2021

Manoj Kumar

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Naresh Kaushik, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

This petition has been filed under Section 482 Cr.P.C for quashing of order dated 20.09.2021 (Annexure P-3) passed by the trial Court in case CNR No. HRFTAI-01275-2020, Remp No.34-2020 and protection against arrest in FIR No.170 dated 22.07.2020 (Annexure P-1), registered under Sections 420/120-B IPC and Section 63-A Copyright Act, at Police Station Sadar Ratia, District Fatehabad.

Learned counsel for the petitioner contends that the concession of regular bail was extended to the petitioner on 13.08.2020 by ld. Addl. Sessions Judge, Fatehabad and thereafter, the petitioner kept on appearing before the trial Court regularly. On 20.09.2021, 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 he was suffering from ailments and was advised bed rest from 18.09.2021 to 24.09.2021. Prescription slip (Annexure P-4) is annexed. He submits that the petitioner is ready and willing to participate in the trial proceedings and

the date of hearing is now fixed for 03.11.2021.

Notice of motion.

At the asking of the Court, Mr. Sukhdeep Parmar, DAG, Haryana, 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 20.09.2021 reflects that the trial Court proceeded to pass the extreme order on account of his solitary absence after grant of regular bail on 13.08.2020. 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 20.09.2021 appears to be probable and therefore, the same is accepted.

Considering the above, the impugned order dated 20.09.2021 (Annexure P-3) is set aside subject to appearance of the petitioner before the trial Court on or before 03.11.2021 and the petitioner is allowed to remain on the same bail bonds and surety bonds. In case, petitioner does not appear, the order dated 20.09.2021 shall remain intact.

Disposed off

28.10.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes	No
Yes	No