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

**CRM-M-50982-2021 (O&M)
Date of Decision: 06.12.2021**

Hardev Singh
Vs.
State of Punjab

.. Petitioner

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amit Arora, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 482 Code of Criminal Procedure to quash the impugned order dated 07.10.2021 (Annexure P-4) passed by the trial Court in case FIR No.134 dated 01.11.2019, registered under Section 22 NDPS Act, 1985, at Police Station Jhabhal, District Tarn Taran, whereby his bail was cancelled.

Learned counsel for the petitioner has submitted that vide order dated 16.12.2019, petitioner was granted interim regular bail by the trial Court and thereafter, he kept on appearing regularly. However, on 07.10.2021, he did not appear before the trial Court, as he noted down the wrong date, and the trial Court proceeded to cancel his bail and forfeited the bail bonds through impugned order (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 07.02.2022.

Notice of motion.

At this stage, Mr. Ramdeep Partap Singh, DAG, Punjab accepts notice on behalf of the respondent-State and states that the advance copy of the petition has already been received by him. He opposes the

prayer and submits that since the petitioner was well-aware of the date of hearing before the trial Court, but he failed to appear, therefore, the Court is justified in cancelling his bail. However, it is not disputed by him that the case is coming up before the trial Court for hearing on 07.02.2022.

A perusal of the order dated 07.10.2021 (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 16.12.2019. 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.

Apart from the above, this Court is of the opinion that the impugned order has been passed recently and in case, the petitioner is allowed to join the trial proceedings, it would facilitate the prosecution to continue with the trial.

Consequently, the impugned order dated 07.10.2021 (Annexure P-4) is set aside subject to appearance of the petitioner before the trial Court within a period of 10 days and he is allowed to remain on the same bail bonds and surety bonds. In the event of non-compliance of this order, the order dated 07.10.2021 (Annexure P-4) would remain intact.

Disposed off.

(MANOJ BAJAJ)
JUDGE

06.12.2021
Jasmine Kaur

Whether speaking/reasoned
Whether reportable

Yes No
Yes No