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

CRM-M-53725-2021

Date of decision-22.12.2021

Ramandeep Singh @ Ramna

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. C.S.Rana, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in case FIR No.158 dated 30.07.2019 under Sections 22, 18 and 25 Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station City Jagraon, Ludhiana Rural.

Learned counsel for the petitioner has submitted that vide order dated 28.08.2019 (Annexure P-2), petitioner was granted the concession of interim regular bail and thereafter, he kept on appearing regularly before the trial Court. However, on 16.11.2021, petitioner did not appear before the trial Court as he had noted the wrong date as 26.11.2021 instead of 16.11.2021 and he absented, consequently, the Court proceeded to cancel his bail and forfeited the bail bonds. He

further submits that the case is now fixed before the trial Court for 23.02.2022 and the petitioner is ready and willing to join the trial proceedings.

When learned counsel was confronted with the maintainability of the petition, he makes a prayer to treat the petition under Section 482 Cr.P.C. The prayer is accepted.

Notice of motion.

At this stage, Mr. Kirat Singh Sandhu, DAG, Punjab accepts notice on behalf of the respondent-State and submits that the impugned order has been passed on the sole ground of the absence of the petitioner, however, it is not disputed by him that petitioner was already on bail since 28.08.2019 and had been appearing before the trial Court.

A perusal of the order dated 16.11.2021 (Annexure P-5) reflects that the trial Court proceeded to pass the extreme order of cancellation of bail for the solitary absence of petitioner, who was on bail since 28.08.2019. 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 the petitioner behind his non appearance before the trial Court on 16.11.2021 appears to be probable and therefore, the same is accepted.

Considering the above, the impugned order dated

16.11.2021 (Annexure P-5) is set aside subject to his putting in appearance before the trial Court within one week and he is allowed to remain on the same bail bonds and surety bonds. In case, petitioner does not appear, the order dated 16.11.2021 shall remain intact.

Disposed off.

(MANOJ BAJAJ)
JUDGE

22.12.2021
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No