

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

**CRM-M-53902-2021
Date of decision-22.12.2021**

Sikander Dev @ Sikander @ BodaPetitioner

Vs.

State of U.T.Chandigarh ...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Jaswinder Singh Grewal, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 438 read with Section 482 of the Code of Criminal Procedure for grant of anticipatory bail in case FIR No.193 dated 28.06.2018 under Section 22 Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sector-11, Chandigarh.

Learned counsel for the petitioner has submitted that vide order dated 10.12.2018 (Annexure P-3), petitioner was granted the concession of regular bail by this Court and thereafter, he kept on appearing regularly before the trial Court. However, on 09.08.2021 petitioner did not appear before the trial Court, as he had noted the wrong date as 10.08.2021 instead of 09.08.2021 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 14.01.2022 and the petitioner is ready and willing to join the trial proceedings.

Notice of motion.

At this stage, Mr. Akashdeep Singh, APP, U.T.Chandigarh accepts notice on behalf of the respondent-U.T.Chandigarh 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 10.12.2018 and had been appearing before the trial Court.

A perusal of the order dated 09.08.2021 (Annexure P-6) 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 10.12.2018. 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 09.08.2021 appears to be probable and therefore, the same is accepted.

Considering the above, the impugned order dated 09.08.2021 (Annexure P-6) 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 09.08.2021 shall remain intact.

Disposed off.

(MANOJ BAJAJ)
JUDGE

22.12.2021

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