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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-10377-2022 (O&M)  
Date of Decision:10.03.2022

Harjinder Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

**CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Amritpal Singh Gill, Advocate for the petitioner.

...

**Manoj Bajaj, J. (Oral)**

Petitioner has filed this petition under Section 482 Code of Criminal Procedure for setting aside the impugned order dated 06.01.2022 (Annexure P-3) passed by the trial Court in case FIR No.28 dated 15.02.2017, registered under Sections 15, 61 and 85 NDPS Act, at Police Station Lambi, District Sri Muktsar Sahib, whereby his bail was cancelled.

Learned counsel for the petitioner has submitted that vide order dated 17.03.2017, petitioner was granted regular bail by the trial Court and thereafter, he kept on appearing regularly before the trial Court. However, on 06.01.2022, he did not appear before the trial Court on account of noting down the wrong date and the trial Court proceeded to cancel his bail and forfeited the bail bonds vide order dated 06.01.2022 (Annexure P-3). He submits that the petitioner is ready and willing to participate in the trial proceedings and the date of hearing is now fixed for 11.04.2022.

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 11.04.2022.

A perusal of the order dated 06.01.2022 (Annexure P-3) 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 17.03.2017. 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.

Consequently, the impugned order dated 06.01.2022 (Annexure P-3) is set aside subject to appearance of the petitioner before the trial Court within a period of ten 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 06.01.2022 (Annexure P-3) would remain intact.

Disposed off.

10.03.2022  
Jasmine Kaur

(MANOJ BAJAJ)  
JUDGE

|                           |     |    |
|---------------------------|-----|----|
| Whether speaking/reasoned | Yes | No |
| Whether reportable        | Yes | No |