

128 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12453-2022

Date of decision-24.03.2022

Mangal Ram @ Arun

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Gaurav Partap Singh Pathania, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 482 Code of Criminal Procedure for quashing of order dated 22.11.2021 (Annexure P-5) passed by learned Additional Sessions Judge, Pathankot, whereby while cancelling the bail, the bail bonds and surety bonds of the petitioner were ordered to be forfeited and warrants of arrest have been issued in FIR No.18 dated 29.03.2018 registered under Sections 20 and 29 Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City Shahpur Kandi, District Pathankot.

Learned counsel for the petitioner contends that vide order dated 12.01.2021 (Annexure P-2), concession of regular bail was extended to the petitioner by this Court and thereafter, the petitioner kept on appearing before the trial Court regularly. It was on 22.11.2021, the petitioner could not attend the proceedings due to marriage of his son and the Court proceeded to cancel his bail and forfeited the bail bonds. In this regard, copy of the marriage card is

annexed with the petition as Annexure P-6. Learned counsel for the petitioner has argued that the petitioner is ready and willing to join the proceedings and his absence on 22.11.2021 was *bona fide*. It is further pointed out that next date of hearing is 16.05.2022.

Notice of motion.

At this stage, Mr. Ramdeep Partap Singh, 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 12.01.2021 and had been appearing before the trial Court.

A perusal of the order dated 22.11.2021 (Annexure P-5) reflects that the trial Court proceeded to pass the extreme order of cancellation of bail for the solitary absence of petitioner. The explanation offered by the petitioner appears to be probable and therefore, the same is accepted.

Considering the above sequence of events, the impugned order 22.11.2021 (Annexure P-5) is set aside subject to appearance of the petitioner before the trial Court within 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 22.11.2021 would remain intact.

Disposed off.

(MANOJ BAJAJ)
JUDGE

24.03.2022

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