

126 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14145-2022

Date of decision-04.04.2022

Raghav

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Umesh Kumar Kanwar, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 482 Code of Criminal Procedure for quashing of order dated 15.02.2022 (Annexure P-5) passed by learned Additional Sessions Judge, Jalandhar, whereby while cancelling his bail, the bail bonds and surety bonds were also ordered to be forfeited and warrants of arrest have been issued. The impugned order arises from trial proceedings of case FIR No.30 dated 13.03.2019 registered under Sections 379-B and 411 Indian Penal Code, 1860 at Police Station Division No.5, Jalandhar, District Jalandhar.

Learned counsel for the petitioner contends that vide order dated 11.04.2019 (Annexure P-2), concession of regular bail was extended to the petitioner by the trial Court and thereafter, the petitioner kept on appearing before the trial Court regularly. It was on 15.02.2022, the petitioner absented and the trial Court proceeded to cancel his bail and forfeited the bail bonds. It is submitted that the petitioner and his counsel had noted the wrong date as 15.03.2022 instead of 15.02.2022, and it resulted in his absence on the given date.

Learned counsel for the petitioner has argued that the petitioner is ready and willing to join the proceedings and his absence on 15.02.2022 was *bona fide*. It is further pointed out that next date of hearing is 06.05.2022.

Notice of motion.

At this stage, Mr. Dhruv Dayal, Sr.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 11.04.2019 and had been appearing before the trial Court.

A perusal of the order dated 15.02.2022 (Annexure P-5) reflects that the trial Court proceeded to pass the extreme order of cancellation of bail for the solitary absence of petitioner. Many a times, the accused can be prevented by sufficient reasons to put an appearance before the Court on a given date and therefore, it necessarily cannot be construed as a deliberate and willful absence. The explanation offered for non appearance before the trial Court is justified and therefore, the same is accepted.

Considering the above sequence of events, the impugned order 15.02.2022 (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 15.02.2022 would remain intact.

Disposed off.

04.04.2022

vanita

Whether speaking/reasoned :
Whether Reportable :

(MANOJ BAJAJ)
JUDGE

Yes	No
Yes	No