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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15404-2022 (O&M)
Date of Decision:18.04.2022

Gurdeep Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Jaspreet Singh Brar, Advocate for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 482 Code of Criminal Procedure for setting aside the impugned order dated 13.12.2021 (Annexure P-3) passed by the trial Court in case FIR No.46 dated 11.06.2016, registered under Sections 406 and 420 IPC, at Police Station Mehna, District Moga, whereby his bail was cancelled.

Learned counsel for the petitioner has submitted that vide order dated 23.08.2017, petitioner was granted regular bail and thereafter, he kept on appearing regularly before the trial Court. However, on 13.12.2021, he did not appear before the trial Court, as his legal Aid counsel noted down the wrong date and the same was told to the petitioner, consequently, the trial Court proceeded to cancel his bail and forfeited the bail bonds vide impugned order dated 13.12.2021 (Annexure P-3). He submits that the petitioner is ready and willing to participate in the trial proceedings and the next date of hearing before the trial Court is now fixed for 29.04.2022. He

prays for quashing the impugned order.

Notice of motion.

At this stage, Mr. Dhruv Dayal, Sr. 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 failed to appear on the date of hearing, 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 29.04.2022.

A perusal of the order dated 13.12.2021 (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 23.08.2017. 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 13.12.2021 (Annexure P-3) is set aside subject to appearance of the petitioner before the trial Court on or before the date fixed i.e. 29.04.2022 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 13.12.2021 (Annexure P-3) would remain intact.

Disposed off.

18.04.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE