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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-975-2022 (O&M)
Date of Decision: 11.05.2022

Sukhchain Singh @ Sukhi

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. J.S. Jaidka, Advocate for
Mr. Aashish Bishnoi, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

The petitioner has challenged the impugned order dated 12.04.2022 passed by Id. Addl. Sessions Judge, Ludhiana during trial in case FIR No.13 dated 28.01.2019, registered under Section 18, 25 and 61 NDPS, at Police Station City Jagraon, District Ludhiana (Rural), whereby his bail was cancelled and his bail/surety bonds were forfeited to the State.

Learned counsel for the petitioner has submitted that vide order dated 20.03.2019, petitioner was granted regular bail by the trial Court and thereafter, he kept on appearing regularly. However, on 12.04.2022, he did not appear before the trial Court, as he noted down the wrong date, and the trial Court proceeded to cancel his bail and forfeited the bail bonds through impugned order 12.04.2022. He submits that the petitioner is ready and willing to participate in the trial proceedings and the date of hearing is now fixed for 01.09.2022.

When learned counsel was confronted with the maintainability

of the revision petition, he makes a prayer to treat the petition under Section 482 Cr.P.C.

The prayer is accepted.

Notice of motion.

At this stage, Mr. Ramandeep Sandhu, 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 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 01.09.2022.

A perusal of the order dated 12.04.2022 reflects that the trial Court proceeded to pass the extreme order of cancellation of bail for the solitary absence of petitioner, who was on regular bail since 20.03.2019. 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 trial Court appears to be justified and therefore, the same is accepted.

Apart from the above, this Court is of the opinion that the impugned order has been passed recently and in case, the petitioner is allowed to join the trial proceedings, it would facilitate the prosecution to continue with the trial.

Consequently, the impugned order dated 12.04.2022 is set aside subject to appearance of the petitioner before the trial Court within a week 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 12.04.2022 would remain intact.

Disposed off.

11.05.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No