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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-19516-2022

Date of decision: 10.05.2022

Kamaljit Kaur @ Komal

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. G.S.Dhindsa, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner has preferred this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.71 dated 20.07.2018 under Section 22 Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Division No.4, Patiala.

Learned counsel for the petitioner has submitted that vide order dated 24.09.2018, petitioner was granted the concession of regular bail, who continued to attend the trial proceedings regularly, however, on 04.04.2022 the petitioner absented as wrong date was noted by her and the Court proceeded to cancel the bail and issued the non-bailable warrants for 25.04.2022. He further submits that the case is now fixed before the trial Court for 08.07.2022 and the petitioner is ready and willing to join the trial proceedings.

When learned counsel was confronted with the maintainability of the 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. 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 24.09.2018 and had been appearing before the trial Court.

A perusal of the order dated 04.04.2022 (Annexure P-2) 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, the impugned order dated 04.04.2022 (Annexure P-2) is set aside subject to her putting in appearance before the trial Court within a week and she is allowed to remain on the same bail bonds and surety bonds. In case, petitioner does not appear, the order dated 04.04.2022 (Annexure P-2) shall remain intact.

Disposed off.

(MANOJ BAJAJ)
JUDGE

10.05.2022

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