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

CRM-M-20593-2022

Date of decision: 13.05.2022

Jatinder Kumar @ Vicky

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Rana Ghuman, 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.0062 dated 24.04.2019 under Section 229-A Indian Penal Code, 1860 registered at Police Station Boha, District Mansa.

Learned counsel for the petitioner has submitted that vide order dated 05.08.2019, petitioner was granted the concession of regular bail, who continued to attend the trial proceedings regularly, however, on 28.03.2022 the petitioner absented due to ill health and the Court proceeded to cancel the bail and issued the non-bailable warrants for 06.05.2022. She further submits that the case is now fixed before the trial Court for 04.07.2022 and the petitioner is ready and willing to join the trial proceedings.

When learned counsel was confronted with the maintainability of the petition, she 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 Singh Sandhu, 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 05.08.2019 and had been appearing before the trial Court.

A perusal of the order dated 28.03.2022 (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 28.03.2022 (Annexure P-2) is set aside subject to his putting in appearance before the trial Court within a week and he is allowed to remain on the same bail bonds and surety bonds. In case, petitioner does not appear, the order dated 28.03.2022 (Annexure P-2) shall remain intact.

Disposed off.

(MANOJ BAJAJ)
JUDGE

13.05.2022

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