

126

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

CRM-M-20947-2022

Date of decision: 16.05.2022

Sunita @ Bugli**....Petitioner****Vs.****State of U.T.****...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Aman Dhir, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner has preferred this petition under Section 482 Code of Criminal Procedure for quashing of orders dated 13.10.2021 and 26.04.2022 (Annexures P-4 and P-6) passed by learned Judicial Magistrate First Class, Chandigarh whereby while cancelling the bail, the bail bonds and surety bonds of the petitioner were ordered to be forfeited and non-bailable warrants of arrest have been issued in FIR No.55 dated 13.03.2019 registered under Sections 61-1-14 Punjab Excise Act, 1914 at Police Station Industrial Area, District Chandigarh.

Learned counsel for the petitioner has submitted that vide order dated 20.02.2020, petitioner was granted the concession of regular bail, who continued to attend the trial proceedings regularly, however, on 13.10.2021, 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 14.01.2021. He further submits that the case is now fixed before the trial Court for 19.07.2022 and the petitioner is ready and willing to join the trial proceedings.

Notice of motion.

At this stage, Mr. Kuldeep Tiwari, APP U.T.Chandigarh accepts notice on behalf of the respondent-U.T.Chandigarh 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 20.02.2020 and had been appearing before the trial Court.

A perusal of the order dated 13.10.2021 (Annexure P-4) 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 orders dated 13.10.2021 and 26.04.2022 (Annexures P-4 and P-6) are 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 above orders shall remain intact.

Disposed off.

(MANOJ BAJAJ)
JUDGE

16.05.2022

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