

131 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21538-2022

Date of decision : 18.05.2022

Sanjeev @ Kala

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Supneet Singh, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 482 Code of Criminal Procedure for quashing of order dated 14.12.2021 (Annexure P-11) passed by Additional Sessions Judge, Fatehabad, whereby while cancelling his bail, the bail bonds and surety bonds were also ordered to be forfeited and warrants of arrest have been issued. The impugned order arises from trial proceedings of case FIR No.234 dated 27.09.2019 registered under Section 20-B Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Tohana, District Fatehabad.

Learned counsel for the petitioner contends that vide order dated 05.02.2020 (Annexure P-2), concession of regular bail was extended to the petitioner and thereafter, he kept on appearing before the trial Court regularly, however, on 14.12.2021, the petitioner absented as wrong date was noted by him as 24.12.2021 instead of 14.12.2021 and the Court proceeded to cancel the bail and issued the non-bailable warrants for 10.08.2022. He further submits that the case is now fixed before the trial Court for 10.08.2022 and the

petitioner is ready and willing to join the trial proceedings.

Notice of motion.

At this stage, Mr. Bhupender Singh, DAG, Haryana 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 05.02.2020 and had been appearing before the trial Court.

A perusal of the order dated 14.12.2021 (Annexure P-11) 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 sequence of events, the impugned order 14.12.2021 (Annexure P-11) 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 14.12.2021 would remain intact.

Disposed off.

18.05.2022

vanita

Whether speaking/reasoned :
Whether Reportable :

(MANOJ BAJAJ)
JUDGE

Yes	No
Yes	No