

138 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24211-2022

Date of decision : 31.05.2022

Balwinder Singh @ Billa

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Parminder 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 31.03.2022 (Annexure P-3) passed by Additional Sessions Judge, Tarn Taran, 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.66 dated 25.02.2020 registered under Sections 379-B, 342, 459, 506 and 34 Indian Penal Code, 1860 (Sections 395, 411, 460, 325 and 201 IPC added and Sections 379-B and 34 IPC deleted later on) at Police Station City Tarn Taran, District Tarn Taran.

Learned counsel for the petitioner contends that vide order dated 04.03.2021 (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 31.03.2022, the petitioner absented as wrong date was noted by him as 03.04.2022 instead of 03.03.2022 and the Court proceeded to cancel the bail and issued the non-bailable warrants for 16.03.2022. He further submits

that the case is now fixed before the trial Court for 07.06.2022 and the petitioner is ready and willing to join the trial proceedings.

Notice of motion.

At this stage, Mr. Sandeep Singh Deol, 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 04.03.2021 and had been appearing before the trial Court.

A perusal of the order dated 31.03.2022 (Annexure P-3) 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 31.03.2022 (Annexure P-3) is set aside subject to appearance of the petitioner before the trial Court on or before 07.06.2022 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 31.03.2022 would remain intact.

Disposed off.

31.05.2022

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Whether speaking/reasoned :
Whether Reportable :

(MANOJ BAJAJ)
JUDGE

Yes	No
Yes	No