

152 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24782-2022

Date of decision : 01.06.2022

Mani Hans

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Angad Parmar, Advocate for
Mr. Vivek K.Thakur, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 482 Code of Criminal Procedure for quashing of order dated 15.03.2022 (Annexure P-2) passed by learned Judge, Special Court, Kapurthala, 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.59 dated 01.08.2019 registered under Section 22 Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City Rawalpindi, District Kapurthala.

Learned counsel for the petitioner contends that vide order dated 26.09.2019, concession of regular bail was extended to the petitioner and thereafter, he kept on appearing before the trial Court regularly, however, on 15.03.2022, the petitioner absented as he was not aware about the date of hearing and the Court proceeded to cancel the bail and issued the non-bailable warrants for 12.05.2022. He further submits that the case is now fixed before the trial Court for 31.08.2022 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 26.09.2019 and had been appearing before the trial Court.

A perusal of the order dated 15.03.2022 (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 sequence of events, the impugned order 15.03.2022 (Annexure P-2) 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 15.03.2022 would remain intact.

Disposed off.

01.06.2022

vanita

Whether speaking/reasoned :
Whether Reportable :

(MANOJ BAJAJ)
JUDGE

Yes	No
Yes	No