

CRM-M-39615-2022

Date of decision: 02.09.2022

Manpreet Singh @ Laddi

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**Present:** Mr. A.S. Manaise, Advocate
for the petitioner.**NAMIT KUMAR, J. (ORAL)**

Petitioner has filed this petition under Section 482 Code of Criminal Procedure for quashing of impugned order dated 20.07.2022 (Annexure P-3) passed by Special Court, Jalandhar, 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.7 dated 08.01.2020 registered under Sections 21 and 29 Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Rama Mandi, District Police Commissionerate Jalandhar.

Learned counsel for the petitioner contends that vide order dated 04.01.2021 (Annexure P-2), concession of anticipatory bail was extended to the petitioner and thereafter, he kept on appearing before the trial Court regularly, however, on 20.07.2022, the petitioner was absent as wrong date was noted by him as 20.08.2022 instead of 20.07.2022 and the Court proceeded to cancel his bail and issued the non-bailable warrants for 24.08.2022. He further submits that the case is now fixed before the trial Court for 20.09.2022 and the petitioner is ready and willing to join the trial proceedings.

Notice of motion.

At this stage, Mr. Ferry Sofat, Addl.A.G. 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 04.01.2021 and had been appearing before the trial Court.

A perusal of the order dated 20.07.2022 (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 20.07.2022 (Annexure P-3) is set aside subject to appearance of the petitioner before the trial Court on or before 20.09.2022 the date fixed before the Special Court, Jalandhar 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 20.07.2022 would remain intact.

The petition is disposed of in above terms.

02.09.2022
Neha

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No