

CRM-M-40179-2022

Date of decision: 05.09.2022

Dilbag Singh @ Bagga

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**Present:** Mr. Vikasdeep Singh, 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 01.07.2022 (Annexure P-2) passed by the Additional Sessions Judge, Kapurthala, whereby, while cancelling his bail, the bail bonds and surety bonds were also ordered to be forfeited and non-bailable warrants of arrest have been issued on account of his absence on 01.07.2022. The impugned order arises from trial proceedings of case FIR No.51 dated 22.03.2016 registered under Sections 399/402 of IPC and Section 25 of Arms Act, 1959 registered at Police Station Kotwali Kapurthala, District Kapurthala.

Learned counsel for the petitioner contends that the petitioner was already on regular bail and thereafter, he kept on appearing before the trial Court regularly, however, on 01.07.2022, the petitioner was absent as he was not well and the Court proceeded to cancel his bail and issued the non-bailable warrants for 29.07.2022. He further submits that the case is now fixed before the trial Court for 10.10.2022 and the petitioner is ready and willing to join the trial proceedings and undertakes to be present in Court on each and every date.

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 and had been appearing before the trial Court.

A perusal of the order dated 01.07.2022 (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 01.07.2022 (Annexure P-2) is set aside subject to appearance of the petitioner before the trial Court on or before 10.10.2022 the date fixed before the trial Court 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 01.07.2022 would remain intact.

The petition is disposed of in above terms.

05.09.2022

Neha

(NAMIT KUMAR)
JUDGE

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