

CRM-M-42446-2022

Date of decision: 15.09.2022

Randhir Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**Present:** Mr. Gopal Singh Nahel, Advocate
for the petitioner.

Mr. Ferry Sofat, Addl.A.G., Punjab.

NAMIT KUMAR, J. (ORAL)

Petitioner has filed this petition under Section 482 Code of Criminal Procedure for quashing the impugned order dated 31.08.2022 (Annexure P-5) passed by the learned Judge Special Court, Sangrur, whereby, while declining his application of personal exemption, his bail orders were cancelled, 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 31.08.2022 for 03.10.2022 and notice to the surety of the accused has been ordered to be issued for the date fixed. The impugned order arises from trial proceedings of case FIR No.148 dated 10.06.2020 registered under Sections 22/29/61/85 of NDPS Act registered at Police Station Lehra, District Sangrur.

Learned counsel for the petitioner contends that the petitioner was already on anticipatory bail, which was also made absolute by the trial Court. He kept on appearing before the trial Court regularly, however, on 31.08.2022, the petitioner was absent as wrong date was noted by him and the Court proceeded to cancel his bail and issued the non-bailable

warrants for 03.10.2022. He further submits that the case is now fixed before the trial Court for 03.10.2022 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 31.08.2022 (Annexure P-5) 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 31.08.2022 (Annexure P-5) is set aside subject to appearance of the petitioner before the trial Court on or before 28.09.2022 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 31.08.2022 would remain intact.

The petition is disposed of in above terms.

15.09.2022

Neha

(NAMIT KUMAR)
JUDGE

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