

**122 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-43658-2022

Date of decision: 21.09.2022

Jagroop Singh

.....Petitioner

versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Jaskamal Singh Grewal, 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 31.08.2022 (Annexure P-6) passed by the learned Additional Sessions Judge, Patiala, whereby, while declining his application of personal exemption, his bail was 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 and notice to the surety of the accused has been ordered to be issued for the date fixed. The impugned order is passed in Criminal Appeal No.884 of 2018 arising out of complaint No.50 dated 12.09.2014 registered under Section 138 of the Negotiable Instruments Act registered at Police Station Patran.

Learned counsel for the petitioner contends that the petitioner was already on bail and thereafter, he kept on appearing before the Court of ASJ, Patiala regularly, however, on 31.08.2022, the petitioner was absent as he was suffering from viral fever and the Court proceeded to cancel his bail and issued the non-bailable warrants for 15.09.2022. He further submits that 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. Amit Shukla, AAG, Punjab puts in appearance and 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 Court.

A perusal of the order dated 31.08.2022 (Annexure P-6) 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 Court below is justified and, therefore, the same is accepted.

Considering the above sequence of events, the impugned order 31.08.2022 (Annexure P-6) is set aside subject to appearance of the petitioner before the Court below on or before 30.09.2022 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.

21.09.2022

Neha

**(NAMIT KUMAR)
JUDGE**

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