

**245 IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-43870-2022

Date of Decision: 28.10.2022

Amarjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE NAMIT KUMAR

Present:- Mr. Chandan Singh Rana, Advocate
for the petitioner.

Mr. Ravinder Singh, AAG, Punjab.

NAMIT KUMAR, J. (ORAL)

The petitioner has filed this petition under Section 482 Cr.P.C. for quashing of impugned order dated 24.05.2022 (Annexure P-3) passed by learned Additional Sessions Judge, Ludhiana, whereby petitioner's bail order has been cancelled and his bail bonds and surety bonds have been ordered to be forfeited to State and he has been ordered to be summoned through non-bailable warrants of arrest in case FIR No.25 dated 27.02.2021, under Sections 379 IPC and Section 21 of Mines and Minerals Regulation Development Act, 1957, registered at Police Station Sidhwan Bet, District Ludhiana.

Learned counsel for the petitioner contends that the petitioner was granted the concession of pre-arrest bail by learned trial Court vide order dated 22.04.2021(Annexure P-1) and thereafter he kept on appearing on each and every date but could not appear on 24.05.2022, which resulted into cancellation of his bail/surety bonds. He further contends that the petitioner undertakes to appear before the Court on each and every date and submits that earlier the case was fixed for hearing on 25.01.2022 and petitioner's presence was dispensed with keeping in view the upsurge of COVID-19. Thereafter, notice was issued to the petitioner for 24.05.2022, but due to some communication gap, he could not appear on 24.05.2022.

On 22.09.2022, notice of motion was issued but no reply has been filed by the State.

Learned State counsel 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 24.05.2022 (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 petitioner 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 dated 24.05.2022 (Annexure P-3) is set aside subject to appearance of the petitioner before the trial Court on 03.11.2022, the date already fixed before the trial Court. On appearance, he shall be released on bail and would be allowed to remain on the same bail bonds and surety bonds. In the event of non-compliance of this order, the impugned order dated 24.05.2022 (Annexure P-3), would remain intact.

The petition is disposed of in above terms.

October 28, 2022
P.Bhatt

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No