

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

CRM-M-48135-2022

Date of decision: 17.10.2022

Rohit @ Chiri

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Amit Sharma, Advocate
for the petitioner.

Mr. Amit Shukla, A.A.G., Punjab.

NAMIT KUMAR, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of impugned order(s) dated 07.06.2022 (Annexure P-2) and 27.09.2022 (Annexure P-3) passed by the Court of learned Additional Sessions Judge, Ludhiana, whereby, while cancelling his bail, the bail bonds and surety bonds were also ordered to be forfeited and warrants of arrest of the petitioner have been issued and notice to the surety and identifier has also been issued for 27.09.2022. The impugned order arises from trial proceedings of case FIR No.256 dated 14.11.2017 registered under Section 379-B of IPC, at Police Station Division No.4, District Ludhiana.

Learned counsel for the petitioner contends that the petitioner was granted the regular bail and, thereafter, he kept on appearing before the trial Court regularly, however, on 07.06.2022, the petitioner could not appear as he was admitted in Hope Foundation (Reg) Counselling and Rehabilitation Centre, Parwanoo, Solan (HP) and has placed reliance upon the certificate dated 08.08.2022 (Annexure P-4), and the Court proceeded to cancel his bail and issued warrants of arrest for 27.09.2022. Notice to his surety and identifier was also ordered to be issued for the date fixed. He further submits that the case is now fixed before the trial Court on 07.12.2022.

Notice of motion.

At this stage, Mr. Amit Shukla, A.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 07.06.2022 (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(s) dated 07.06.2022 & 27.09.2022 (Annexures P-2 & P-3) are set aside subject to appearance of the petitioner before the trial Court on or before 28.10.2022. 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 order(s) dated 07.06.2022 & 27.09.2022 would remain intact.

The petition is disposed of in above terms.

17.10.2022
Neha

(NAMIT KUMAR)
JUDGE

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