

Date of decision: 17.10.2022

.....Petitioner

.....Respondent

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

The petitioner has filed this petition under Section 482 Cr.P.C. for quashing of impugned order dated 18.08.2022 (Annexure P-1) passed by the Ld. Special Court, Mansa, 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 18.08.2022. The impugned orders arises from trial proceedings of case bearing FIR No.321 dated 12.10.2019 registered under Sections 22/25/61/85 of the NDPS Act, 1985, registered at Police Station Sadar Mansa, District Mansa.

Learned counsel for the petitioner contends that the petitioner was granted regular bail on 13.12.2019 (Annexure P-16) and thereafter, he kept on appearing before the trial Court regularly, however, on 18.08.2022, the petitioner was absent as he was undergoing treatment for drug abuse and depression and was admitted in 'Jiwandaan Foundation (Drug Counselling & Rehabilitation Centre), Parwanoo, District Solan (HP) since 29.07.2022 (Annexures P-2 and P-3) and the Court proceeded to cancel his bail and issued the non-bailable warrants for 11.10.2022. He further submits that the case is now fixed before the trial Court for 03.01.2023 and the

petitioner is ready and willing to join the trial proceedings and undertakes to be present in Court on each and every date, regularly.

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 18.08.2022 (Annexure P-1) 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 18.08.2022 (Annexure P-1) is 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 18.08.2022 (Annexure P-1) 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