

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

CRM-M-50394-2022

Date of decision: 31.10.2022

Jaswant Singh @ Bitta

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Gurpreet Singh, Advocate for
Ms. Satinder Kaur, Advocate
for the petitioner.

NAMIT KUMAR, J. (ORAL)

Petitioner has filed this petition under Section 482 Code of Criminal Procedure for quashing of impugned orders dated 12.09.2022; 06.10.2022 & 14.10.2022 (Annexures P-4, P-4/A & P-4/B) passed by the learned Additional Sessions Judge, Faridkot, whereby, while cancelling his bail, the bail bonds and surety bonds have also been ordered to be forfeited and non-bailable warrants of arrest and notice to his surety have been issued on account of his absence on 12.09.2022. The impugned order arises from trial proceedings of case FIR No.81 dated 20.05.2019 registered under Sections 306/342/201/120-B of IPC registered at Police Station Sadar Faridkot, District Faridkot.

Learned counsel for the petitioner contends that the petitioner was already on regular bail on 04.03.2022 and thereafter, he kept on appearing before the trial Court regularly, however, on 12.09.2022, the petitioner was absent as he is priest in Gurudwara Sahib and Akhandpaath Series was going on in remembrance of Saint Baba Nand Singh Ji Anniversary from 09.09.2022 to 21.09.2022 and on 12.09.2022, he arrived the Court late due to his duty and the Court proceeded to cancel his bail and issued the non-bailable warrants for 06.10.2022 & 14.10.2022. 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. Ferry Sofat, Addl.A.G. Punjab accepts notice on behalf of the respondent-State and submits that the impugned orders

have 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 on regular basis.

A perusal of the order dated 12.09.2022 (Annexures P-4) 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 orders dated 12.09.2022; 06.10.2022 & 14.10.2022 (Annexures P-4, P-4/A & P-4/B) are set aside subject to appearance of the petitioner before the trial Court on or before 07.11.2022. On his appearance, he shall be released on bail by the trial Court and he is allowed to remain on the same bail bonds and surety bonds. In the event of non-compliance of this order, the orders dated 12.09.2022; 06.10.2022 & 14.10.2022 (Annexures P-4, P-4/A & P-4/B) would remain intact.

The petition is disposed off in above terms.

31.10.2022
Neha

(NAMIT KUMAR)
JUDGE

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