

**116 THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-51226-2022

Date of Decision: 16.12.2022

KASHMIR KAUR @ BHOLI

...Petitioner

V/s

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

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

DEEPAK MANCHANDA J.

The petitioner has preferred this petition under Section 482 of the Code of Criminal Procedure for quashing of the order dated 12.09.2022 (Annexure P-3) passed by the Additional District & Sessions Judge, Tarn Taran vide which bail order of the petitioner was cancelled and his bail bonds were forfeited to the State in case bearing FIR No. 0084 dated 18.04.2018 under Sections 324, 452, 427, 506, 148 and 149 of Indian Penal Code (wherein Sections 379, 379-B and 201 IPC were added later on) registered at Police Station Sadar Tarn Taran, District Tarn Taran.

Learned counsel for the petitioner contends petitioner was granted the concession of anticipatory bail by a Co-ordinate Bench of this Court vide order dated 03.10.2018. On 12.09.2022, petitioner could not appear before the trial Court due to wrong noting down the date of hearing as 20.09.2022 instead of 12.09.2022. Therefore, his bail was cancelled vide the impugned order dated 12.09.2022 by the learned trial Court.

He further submits that the petitioner is ready and willing to join the trial proceedings.

Notice of motion.

At this stage, Ms. Ishneet Kaur, AAG Punjab, who is present in the Court accepts notice on the asking of the Court and submits that the impugned order has been passed on the sole ground of absence of the petitioner, however, it is not disputed by him that the petitioner was on anticipatory bail since 03.10.2018 and had been appearing before the trial Court.

A perusal of the order dated 12.09.2022 (Annexure P-3) reflects that the trial Court proceeded to pass the extreme order of cancellation of bail for the solitary reason of absence of the petitioner.

Learned counsel for the petitioner submits that the said absence was unintentional and due to the reasons mentioned para No. 9 of the petition.

Many a times, the accused can be prevented by sufficient reasons to put in appearance before the Court on a given date, which necessarily cannot be construed as a deliberate and willful absence. The explanation offered for non-appearance and unintentional absence before the trial Court is accepted.

In view of the same, the order dated 12.09.2022 (Annexure P-2) is set aside. The petitioner is directed to appear before the trial Court on 23.12.2022 and is allowed to remain on the same bail bonds and surety bonds.

In case, the petitioner does not appear before the trial Court on the given date, the order dated 12.09.2022 (Annexure P-2), passed by the trial Court, shall remain intact.

Petition disposed of.

(DEEPAK MANCHANDA)
JUDGE

16.12.2022

Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes
Yes/No