

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

CRM-M-51860-2022

Date of decision: 11.11.2022

KaranPetitioner

versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. B.S. Bhalla, Advocate
for the petitioner.

NAMIT KUMAR, J. (ORAL)

Petitioner has filed this petition under Section 482 Code of Criminal Procedure for quashing of impugned order dated 25.08.2022 (Annexure P-1) passed by the Additional Sessions Judge, Amritsar, whereby, while cancelling his bail, the personal bonds and surety bonds were also ordered to be cancelled and forfeited to the State and non-bailable warrants of arrest and notice to his surety under Section 446 Cr.P.C. have been issued on account of his absence on 25.08.2022. The impugned order arises from trial proceedings of case FIR No.100 dated 06.07.2018 registered under Section 22 of the NDPS Act registered at Police Station Majitha, District Amritsar.

Learned counsel for the petitioner contends that the petitioner was already on regular bail and thereafter, he kept on appearing before the trial Court regularly, however, on 25.08.2022, the petitioner was absent as the date was given to him as 25.09.2022 by the Clerk of counsel appearing before trial Court, inadvertently and the Court proceeded to cancel his bail and issued the non-bailable warrants for 03.11.2022. 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.

Mr. Adhiraj Singh, AAG, 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 25.08.2022 (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 25.08.2022 (Annexure P-1) is set aside subject to appearance of the petitioner before the trial Court on or before 23.11.2022, 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 order dated 25.08.2022 would remain intact.

The petition is disposed off in above terms.

11.11.2022
Neha

(NAMIT KUMAR)
JUDGE

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