

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

CRM-M-53597-2022

Date of decision: 18.11.2022

Didar Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

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

Mr. Adhiraj Singh, A.A.G., Punjab.

NAMIT KUMAR, J. (ORAL)

Petitioner has filed this petition under Section 482 Code of Criminal Procedure for quashing of impugned order dated 14.10.2022 (Annexure P-4) passed by the Learned Additional Sessions Judge, Tarn Taran, whereby, the bail order stands cancelled and bail bonds and surety bonds of the petitioner stands forfeited and non-bailable warrants of arrest has been issued to the petitioner due to his non-appearance in a case SC-63/2018 dated 15.05.2018 titled as '**State Vs. Kinderbir Singh and others**' and SC-256/2021 dated 22.07.2021 titled as '**State Vs. Gursewak Singh @ Babla and others**' arising out of cross case registered vide Rapat No.16 dated 28.07.2017 under Sections 307, 506, 148, 149 of IPC and Sections 25/27 of the Arms Act in case FIR No.78 dated 27.07.2017 under Sections 307, 506, 148 & 149 of IPC and Sections 25/27 of the Arms Act, registered at Police Station Harike, District Tarn Taran.

Learned counsel for the petitioner contends that the petitioner was already on bail and thereafter, he kept on appearing before the trial Court regularly, however, on 14.10.2022, the petitioner was absent as he had noted down the next date of hearing as 28.10.2022 instead of 14.10.2022 and the Court proceeded to cancel his bail and issued the non-bailable warrants for 14.11.2022 and notice to his surety was also issued for the date fixed. He further submits that the case is now fixed before the trial Court for 21.12.2022 and 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. Adhiraj Singh, 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 14.10.2022 (Annexure 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 order 14.10.2022 (Annexure P-4) is set aside subject to appearance of the

petitioner before the trial Court on the date fixed and on his doing so, he shall be released on bail and allowed to remain on the same bail bonds and surety bonds. In the event of non-compliance of this order, the order dated 14.10.2022 would remain intact.

The petition is disposed of in above terms.

18.11.2022
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(NAMIT KUMAR)
JUDGE

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