

CRM-M-54153 of 2022

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

CRM-M-54153 of 2022
Date of decision: 21.11.2022

Balbir Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Gautam Thapar, Advocate, for the petitioner.
Mr. Adhiraj Singh, AAG, 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 passed by learned SDJM, Phul, District Bathina, whereby, while cancelling his bail, the bail bonds and surety bonds were also ordered to be forfeited to the State and warrants of arrest have been issued on account of his absence on 14.10.2022. The impugned order arises from trial proceedings of case titled as “State v. Balvir Singh.

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, he appeared before the trial Court at Rajpura in another case arising from FIR No.100 dated 24.12.2015 under Sections 406, 420 and 120-B IPC registered at Police Station Kheri Ghandian, District Patiala, pursuant to order of this Court

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dated 12.10.2022 for recording statements with regard to genuineness of compromise, therefore, he could not appear before the trial Court at Phul on 14.10.2022 and the Court proceeded to cancel his bail and issued warrants of arrest for 19.11.2022. Notice to his surety was also issued for the date fixed. Learned counsel submits that the petitioner is a victim of circumstances, which were beyond his control. 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. 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 or before 02.12.2022 and on his doing

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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.

21.11.2022
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No