

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

CRM-M-57003-2022

Date of decision: 07.12.2022

Amandeep SinghPetitioner

versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Pardhuman Garg, 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 26.11.2021 (Annexure P-2) passed by the learned Judicial Magistrate, Nabha, whereby, while cancelling his bail, the bail bonds and surety bonds were also ordered to be forfeited and non-bailable warrants of arrest have been issued on account of his absence on 26.11.2021 and order dated 31.10.2022 (Annexure P-8), whereby, the proclamation warrant against the petitioner was issued for 04.03.2023. The impugned orders arise from trial proceedings of case FIR No.122 dated 15.06.2020 under Sections 324/323/341/506/427/148/149 of IPC registered at Police Station Sadar Nabha, Patiala (Annexure P-1).

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 26.11.2021, the petitioner was absent as his counsel informed him that due to COVID-19 pandemic the Courts are working in a restrictive manner and he need not to come and the Court proceeded to cancel his bail and issued the non-bailable warrants for 13.01.2022 and, thereafter, several times non-bailable warrants were issued on account of incomplete service/COVID-19 pandemic. Thereafter, proclamation warrant was issued for 04.03.2023. 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, AAG, Punjab puts in appearance and 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 orders dated 26.11.2021 & 31.10.2022 (Annexures P-2 & P-8, respectively) reflect 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 26.11.2021 & 31.10.2022 (Annexures P-2 & P-8, respectively) are set aside subject to appearance of the petitioner before the trial Court on or before 16.12.2022 and subject to payment of Rs.25,000/- as costs to be deposited with the District Legal Services Authority, Patiala. 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 26.11.2021 & 31.10.2022 (Annexures P-2 & P-8, respectively) would remain intact.

The petition is disposed off in above terms.

07.12.2022
Neha

(NAMIT KUMAR)
JUDGE

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