

CRM-M-788-2023

Date of decision: 10.01.2023

Raju Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**Present:** Ms. Manpreet Ghuman, 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 16.08.2022 (Annexure P-3) passed by the learned Special Judge, Patiala, in a case titled as 'State of Punjab Vs. Binder Kaur and others', whereby, while cancelling his bail, the bail bonds and surety bonds were also ordered to be forfeited and non-bailable warrants of arrest and notice to the surety have been issued on account of his absence on 16.08.2022. The impugned order arises from trial proceedings of case FIR No.25 dated 08.03.2020 under Section 22 of the NDPS Act registered at Police Station Pasyana, District Patiala.

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 16.08.2022, the petitioner was absent as he was arrested in FIR No.72 dated 21.05.2022, Police Station Dhanoula District Barnala on the basis of disclosure statement of co-accused and the Court proceeded to cancel his bail and issued the non-bailable warrants for 23.09.2022. 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.

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 order dated 16.08.2022 (Annexure P-3) 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 16.08.2022 (Annexure P-3) is set aside subject to appearance of the petitioner before the trial Court within a period of seven days from today. On his appearance, he shall be released on bail by the trial Court on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court. In the event of non-compliance of this order, the order dated 16.08.2022 would remain intact.

The petition is disposed off in above terms.

10.01.2023
Neha

(NAMIT KUMAR)
JUDGE

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