

CRM-M-2142 of 2023

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

CRM-M-2142 of 2023
Date of decision: 16.01.2023

Lovepreet

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Gagandeep Singh, Advocate,
for Mr. V.B. Godara, Advocate, for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

NAMIT KUMAR, J. (ORAL)

Petitioner has filed this petition under Section 482 Code of Criminal Procedure for quashing of impugned order dated 06.10.2022 passed by learned Additional Sessions Judge, Fatehabad in case FIR No.150 dated 23.03.2019 under Sections 21(b)/27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Fatehabad, District Fatehabad, 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 06.10.2022 and notice to his surety and identifier under Section 446 Cr.P.C. has also been ordered to be issued.

Learned counsel for the petitioner contends that the petitioner was already on bail and thereafter, he kept on appearing before the trial

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Court regularly, however, on 06.10.2022, he could not appear before the trial Court due to some mis-happening in the family and mis-communication with the counsel appearing before the trial Court and the Court proceeded to cancel his bail and issued warrants of arrest for 08.12.2022. Notice to his surety and identifier 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, Ms. Gaganpreet Kaur, AAG, Haryana, 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 06.10.2022 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 06.10.2022 is set aside subject to appearance of the petitioner before the trial Court on or before 25.01.2023 and on his doing so, he shall be

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released on bail on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court. In the event of non-compliance of this order, the order dated 06.10.2022 would remain intact.

The petition is disposed of in above terms.

16.01.2023
R.S.

(NAMIT KUMAR)
JUDGE

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