

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

CRM-M-4969-2023

Date of decision: 01.02.2023

Jasvir Singh alias Soni

...Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Chandan Singh Rana, 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 17.01.2023 (Annexure P-3) passed by the Ld. Additional Sessions Judge, Ludhiana, 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 17.01.2023. The impugned order arises from trial proceedings of case FIR No.82 dated 13.04.2017 registered under Sections 22 of NDPS Act, 1985 registered at Police Station Dakha, District Ludhiana, Punjab.

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 17.01.2023, the petitioner was absent due to noting down wrong date and the Court proceeded to cancel his bail and issued the non-bailable warrants for 07.03.2023. 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, 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 and even earlier also petitioner absented himself.

A perusal of the order dated 17.01.2023 (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 17.01.2023 (Annexure P-3) is set aside subject to appearance of the petitioner before the trial Court within a period of one week and subject to payment of Rs.25,000/- as costs to be deposited with the Punjab & Haryana High Court Lawyers Welfare Fund within a period of two months from the date of passing of this order. 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 17.01.2023 would remain intact.

The petition is disposed off in above terms.

(NAMIT KUMAR)
JUDGE

01.02.2023

Parveen Kumar

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