

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

CRM-M-6037-2023

Date of decision: 06.02.2023

GURPREET SINGH @ BUNTY

...Petitioner

V/s

STATE OF PUNJAB

...Respondent

CORUM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. J.S. Thakur, Advocate
 for the petitioner.

DEEPAK MANCHANDA J.

The petitioner has preferred this petition under Section 482 of the Code of Criminal Procedure seeking setting aside the order dated 08.12.2022 passed by Additional Sessions Judge, Jalandhar in case FIR No. 06 dated 14.01.2021 under Section 379-B of the Indian Penal Code (Section 411 of IPC added later on) registered at Police Station Division No. 8, District Jalandhar Commissionerate.

Learned counsel for the petitioner contends that vide order dated 20.03.2021, the petitioner was granted the concession of bail who continued to attend the trial proceedings regularly. However, on 08.12.2022, he failed to appear before the trial Court on account of wrong noting of the next date of hearing in the Court as 18.12.2022 instead of 08.12.2022. Hence, his absence is unintentional and bona fide. Reasons for the same have been mentioned in para No. 6 of the present petition. The absence of the petitioner resulted into passing of the order dated 08.12.2022, whereby the learned trial Court proceeded to cancel his bail and issued the non-bailable warrants.

He further submits that the petitioner is ready and willing to join the trial proceedings.

Notice of motion.

At this stage, Mr. P.S. Grewal, DAG Punjab, who is present in the

order has been passed on the sole ground of absence of the petitioner, however, it is not disputed by him that the petitioner was on bail since 20.03.2021 and had been appearing before the trial Court.

A perusal of the order dated 08.12.2022 (Annexure P-4) reflects that the trial Court proceeded to pass the extreme order of cancellation of bail for the solitary reason of absence of the petitioner.

Learned counsel for the petitioner submits that the said absence was unintentional and due to the reasons mentioned para No. 6 of the petition.

Many a times, the accused can be prevented by sufficient reasons to put in appearance before the Court on a given date, which necessarily cannot be construed as a deliberate and willful absence. The explanation offered for non-appearance and unintentional absence before the trial Court is accepted.

In view of the same, the order dated 08.12.2022 (Annexure P-4) is set aside. The petitioner is directed to appear before the trial Court within a period of one week from today and is allowed to remain on the same bail bonds and surety bonds.

In case, the petitioner does not appear before the trial Court within the stipulated period, the order dated 08.12.2022 (Annexure P-4), passed by the trial Court, shall remain intact.

Petition disposed of.

(DEEPAK MANCHANDA)
JUDGE

06.02.2023
Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes
Yes/No