

[CRM-M-9055-2023](#)

Date of decision: 21.02.2023

Manpreet Singh @ Mangi

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Ravi Malhotra, 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 16.01.2023 (Annexure P-4) passed by the Additional Sessions Judge, Jalandhar, 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 his surety have been issued on account of his absence on 16.01.2023. The impugned order arises from trial proceedings of case FIR No.202 dated 12.09.2020 registered under Sections 307/323/324/326/452/427/148/149 of IPC, registered at Police Station Bhogpur District Jalandhar.

Learned counsel for the petitioner contends that the petitioner was already on bail and thereafter, he kept on appearing before the trial Court regularly and on 22.11.2022, he filed an application for grant of exemption from personal appearance and the same was allowed and the case was adjourned to 16.01.2023 but the petitioner had wrongly noted down the date i.e. 16.02.2023 instead of 16.01.2023 due to misunderstanding with Clerk of Advocate, however, on 16.01.2023, the petitioner was absent and the Court proceeded to cancel his bail and issued the non-bailable warrants for 23.02.2023. 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 order dated 16.01.2023 (Annexure P-4) 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 16.01.2023 (Annexure P-4) is set aside subject to appearance of the petitioner before the trial Court on 23.02.2023; the date already fixed before the trial Court. 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 16.01.2023 would remain intact.

The petition is disposed off in above terms.

21.02.2023

Neha

Whether speaking/reasoned

Whether reportable

:

:

Yes/No

Yes/No

(NAMIT KUMAR)

JUDGE