

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

CRM-M-11627-2023

Date of decision: 09.03.2023

Sachin

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

NAMIT KUMAR, J. (ORAL)

Petitioner has filed this petition under Section 482 Code of Criminal Procedure for quashing of impugned order dated 21.01.2023 (Annexure P-2) passed by the Judge, Special Court, Jalandhar 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 21.01.2023. The impugned order arises from trial proceedings of case FIR No.30 dated 08.09.2018 under Sections 21/22/29 of the NDPS Act, 1985 registered at Police Station Patara, District Jalandhar Rural (Annexure P-2).

Learned counsel for the petitioner contends that the petitioner was already on bail and thereafter, he kept on appearing before the trial Court regularly, however, on 21.01.2023, the petitioner was absent as he was admitted in Rehabilitation Centre and the Court proceeded to cancel his bail and issued the non-bailable warrants for 14.03.2023. 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, AAG, 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.

A perusal of the order dated 21.01.2023 (Annexure P-2) 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 21.01.2023 (Annexure P-2) is set aside subject to appearance of the petitioner before the trial Court within a period of 1 week **and subject to payment of Rs.10,000/- as costs to be deposited with the Punjab & Haryana High Court Lawyers Welfare Fund, Chandigarh** within a period of 4 weeks. On his appearance, he shall be released on bail by the trial Court on his furnishing bail bonds and surety bonds to the satisfaction of the Ld. Trial Court. In the event of non-compliance of this order, the order dated 21.01.2023 would remain intact.

The petition is disposed off in above terms.

09.03.2023

Parveen kumar

**(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned :Yes/No

Whether reportable :Yes/No