

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

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**CRM-M No. 14258 of 2023
Date of Decision :12.4.2023**

*Dharampreet Singh @ Dharma**..... Petitioner**versus**State of Punjab**..... Respondent*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Abhishek Chha, Advocate, for
Mr. Chandan Singh Rana, Advocate, for the petitioner

TRIBHUVAN DAHIYA J. (ORAL):

This is a petition for quashing the order dated 1.9.2022 (Annexure P-3), passed by the Additional Sessions Judge, cancelling the regular bail granted to the petitioner/accused and ordering forfeiture of his bail bonds and surety bonds to the State.

2. Notice of motion.

3. Mr. Jashandeep Singh, AAG, Punjab, accepts notice on behalf of the respondent/State.

4. It has been contended by learned counsel for the petitioner that after grant of regular bail by the trial Court vide order dated 18.11.2021 (Annexure P-1), the petitioner has been regularly appearing before the Court. Only on 1.9.2022 he could not appear, nor inform his counsel before the trial Court, since his mother had unfortunately expired a week prior thereto on 24.8.2022. Her death certificate is on record as Annexure P-4. Only on account of untimely demise of his mother, the petitioner remained absent.

5. Learned State counsel submits that the trial of the case is going on and the next date fixed for hearing is 3.5.2022.

6. Learned counsel for the parties have been heard.
7. Considering the facts aforementioned, it appears that non-appearance of the petitioner/accused before the trial Court was not deliberate or intentional, as his mother had expired a week prior. It prevented him from appearing before the Court and/or seeking exemption from appearance on that account. Every non-appearance of the accused cannot be termed deliberate and an attempt to flee the process of law. Non-appearance by the petitioner being *bona fide* needs to be condoned.
8. In view thereof, the impugned order dated 1.9.2022 is quashed, subject to the petitioner appearing before the trial Court on the next date of hearing. On his doing so, he shall be allowed to remain on the same bail bonds and surety bonds submitted earlier by him, pursuant to the order dated 18.11.2021, granting bail.
9. In case he fails to appear, the impugned order shall stand revived.
10. Disposed of.

(TRIBHUVAN DAHIYA)
JUDGE

12.4.2023
Ashwani

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