

CRM-M- 17297-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 17297-2023 (O&M)

Date of Decision: 17.04.2023

Hamid Mian Saiyad

... Petitioner

V/s.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Rajiv Kumar Saini, Advocate
for the petitioner.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has preferred this petition under Section 482 Code of Criminal Procedure for quashing/setting aside of order dated 08.02.2022 (Annexure P-4) passed by the Additional Sessions Judge, Karnal whereby while cancelling the bail, the bail bonds and surety bonds of the petitioner were ordered to be forfeited and non-bailable warrants of arrest have been issued in FIR No.269 dated 13.05.2020 registered under Sections 370, 406, 420, 34, 506 IPC and Section 24 of Immigration Act at Police Station City

Karnal.

Learned counsel submits that vide order dated 21.01.2022 petitioner was granted the concession of regular bail and he continued to attend the trial proceedings regularly, however, on one occasion, the petitioner absented himself due to medical reasons and the Court proceeded to cancel the bail and issued the non-bailable warrants.

Notice of motion.

At this stage, Mr. Bhupender Singh, DAG, Haryana 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 her that petitioner was already on bail since 21.01.2022 and had been appearing before the trial Court.

A perusal of the order dated 08.02.2022 (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, the impugned order dated 08.02.2022 (Annexure P-4) is set aside subject to his putting in appearance before the trial Court within a week from the receipt of certified copy of this order and he is allowed to remain on the same bail bonds and surety bonds. In case,

petitioner does not appear, the above orders shall remain intact.

Disposed of accordingly.

(DEEPAK MANCHANDA)
JUDGE

17.04.2023
seema

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes /No</i>