

CRM-M-20313 of 2023

2023:PHHC:058380

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

CRM-M-20313 of 2023
Date of decision: 25.04.2023

Sukhjinder Singh @ Sonu

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. V.K. Sharma, Advocate, for the petitioner.
Mr. Adhiraj Singh, AAG, Punjab.

NAMIT KUMAR, J.

1. Petitioner has filed this petition under Section 482 Code of Criminal Procedure for quashing of impugned order dated 26.09.2022 (Annexure P-15) passed by the Court of learned Additional Sessions Judge-VIII, Jalandhar, in case FIR No.84 dated 25.07.2017 under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Lohian, Jalandhar, whereby while cancelling his bail, the bail bonds and surety bonds were also ordered to be forfeited to the State and non-bailable warrants have been issued on account of his absence.

2. Learned counsel for the petitioner contends that the petitioner was granted regular bail by the Court of learned Additional Sessions Judge, Jalandhar, vide order dated 19.08.2017 and he kept on appearing before the trial Court regularly. He further submits that due to some unavoidable circumstances petitioner moved application for exemption

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from personal appearance on 30.08.2022, which was allowed by the trial Court. He further submits that inadvertently petitioner noted the next date as 26.12.2022 instead of 26.09.2022. Learned counsel submits that the petitioner is a victim of circumstances and his absence was unintentional. 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.

3. Notice of motion.

4. At this stage, Mr. Adhiraj Singh, A.A.G., 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.

5. I have heard learned counsel for the parties and perused the record.

6. A perusal of the order dated 26.09.2022 (Annexure P-15) reflects that the trial Court proceeded to pass the extreme order of cancellation of bail for the solitary absence of petitioner. The object of cancellation of bond or declaration of anyone as proclaimed offender/person is to secure his presence. The petitioner has come forward to face the proceedings and undertakes to appear before the appellate Court on each and every date, thus, his presence would meet ends of justice. Thus, the explanation offered for non-appearance before the trial Court is justified and therefore, the same is accepted.

7. Considering overall facts and circumstances of the case, the impugned order 26.09.2022 (Annexure P-15) is set aside subject to

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appearance of the petitioner before the trial Court on or before 05.05.2023 and on his doing so, he shall be released on bail and allowed to remain on the same bail bonds and surety bonds. In the event of non-compliance of this order, the order dated 26.09.2022 would remain intact.

8. The petition is disposed of in above terms.

25.04.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No