

2023:PHHC:072614

118 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25291-2023

Date of decision: 18.05.2023

GURPREET SINGH

...Petitioner

V/s

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Bisham Kumar Majoka, Advocate
 for the petitioner.

DEEPAK MANCHANDA J.

The petitioner has preferred this petition under Section 482 of the Code of Criminal Procedure for setting aside the order dated 21.03.2023 (Annexure P-2) passed by the trial Court in case bearing FIR No. 8 dated 24.01.2018 registered under Section 20 of NDPS Act registered at Police Station Pojewal, District SBS Nagar.

Learned counsel for the petitioner contends that he petitioner was on bail who continued to attend the trial proceedings regularly. However, on 21.03.2023, he failed to appear before the trial Court on account of wrong noting of the next date of hearing. Hence, his absence is unintentional and bona fide. Reasons for the same have been mentioned in para No. 5 of the present petition. The absence of the petitioner resulted into passing of the order dated 21.03.2023, whereby the learned trial Court proceeded to cancel his bail and issued the non-bailable warrants. He further submits that the petitioner is ready and willing to join the trial proceedings.

Notice of motion.

At this stage, Mr. P.S. Grewal, DAG Punjab, who is present in the

Court accepts notice on the asking of the Court and submits that the impugned

order has been passed on the sole ground of absence of the petitioner, however, it is not disputed by him that the petitioner was on bail and had been appearing before the trial Court.

A perusal of the order dated 21.03.2023 (Annexure P-2) reflects that the trial Court proceeded to pass the extreme order of cancellation of bail for the solitary reason of absence of the petitioner.

Learned counsel for the petitioner submits that the said absence was unintentional and due to the reasons mentioned para No. 5 of the petition.

Many a times, the accused can be prevented by sufficient reasons to put in appearance before the Court on a given date, which necessarily cannot be construed as a deliberate and willful absence. The explanation offered for non-appearance and unintentional absence before the trial Court is accepted.

In view of the same, the order dated 21.03.2023 (Annexure P-2) is set aside. The petitioner is directed to appear before the trial Court on or before 25.05.2023 and is allowed to remain on the same bail bonds and surety bonds.

In case, the petitioner does not appear before the trial Court on the given date, the order dated 21.03.2023 (Annexure P-2), passed by the trial Court, shall remain intact.

Petition disposed of.

(DEEPAK MANCHANDA)
JUDGE

18.05.2023
Ajay Goswami

Whether speaking/reasoned	Yes
Whether reportable	Yes/No