

2023:PHHC:080408

128

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

CRM-M-28529-2023

Date of Decision: 01.06.2023

RANJEET SINGH @ RANJIT SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Shivender Singh, Advocate for
Mr. Brijeshwar Singh Bhalla, Advocate
for the petitioner.

DEEPAK MANCHANDA, J. (Oral)

The petitioner has preferred this petition under Section 482 of the Code of Criminal Procedure for setting aside the order dated 17.12.2021 (Annexure P-1) cancelling the bail order of the petitioner and issuing non-bailable warrants of arrest against the petitioner in FIR No.177 dated 01.09.2020, under Section 22 of the NDPS Act, 1985 registered at Police Station City Majitha, District Amritsar.

Learned counsel for the petitioner contends that the petitioner was granted the concession of regular bail, since the very beginning of the case, who continued to attend the trial proceedings regularly. However, on 17.12.2021 (Annexure P-1), he failed to appear before the trial Court as he was suffering from dengue fever. Hence, his absence is unintentional and bona fide. The absence of the petitioner resulted into passing of the order dated 17.12.2021 (Annexure P-1), whereby the Judge Special Court, Amritsar proceeded to cancel his bail and issued warrants of arrest against

2023:PHHC:080408

him.

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 regular bail and had been appearing before the trial Court.

A perusal of the order dated 17.12.2021 (Annexure P-1) 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.4 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 17.12.2021 (Annexure P-1) is set aside. The petitioner is directed to appear before the trial Court within a period of two weeks 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

2023:PHHC:080408

the given date, the order dated 17.12.2021 (Annexure P-1), passed by the trial Court, shall remain intact.

Petition disposed of.

(DEEPAK MANCHANDA)
JUDGE

01.06.2023
Amandeep

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