

123

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34533-2023

Date of decision: 19.07.2023

Karanbir Singh @ Karan

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Nitin Narula, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner has preferred this petition under Section 482 Code of Criminal Procedure for quashing of order dated 12.05.2023 (Annexure P-3) passed by Additional Sessions Judge, Amritsar, whereby while cancelling the bail, the bail bonds and surety bonds of the petitioner have been ordered to be forfeited, and further non-bailable warrants of arrest have been issued against him, in FIR No.0137 dated 20.10.2020 registered under Sections 21, 25, 29, 61 and 85 Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station STF, District SAS Nagar (Mohali).

Learned counsel for the petitioner has submitted that vide order dated 08.09.2022 (Annexure P-2), petitioner was granted the concession of regular bail, who continued to attend the trial proceedings regularly, however, on 12.05.2023, the petitioner absented due to his ill health and the Court proceeded to cancel the bail and issued the non-bailable warrants for 15.07.2023. He further submits that the case is now fixed before the trial Court for 21.08.2023 and the petitioner is ready and willing to join the trial proceedings.

Notice of motion.

At this stage, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of the respondent 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 since 08.09.2022 and had been appearing before the trial Court.

A perusal of the order dated 12.05.2023 (Annexure P-3) reveals 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 by the petitioner for his non appearance on the date fixed, before the trial Court is probable and therefore, the same is accepted.

Considering the above, the impugned order dated 12.05.2023 (Annexure P-3) is set aside subject to the condition that the petitioner shall put appearance before the trial Court within a week from today and he is allowed to remain on the same bail bonds and surety bonds. In case, petitioner does not appear, the order dated 12.05.2023 shall remain intact.

Disposed of.

(MANOJ BAJAJ)
JUDGE

19.07.2023

vanita

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No