

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

261

CRM-M-39236-2022 (O&M)

Date of decision: 17.04.2023

SANTOSH KUMAR

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Vishal Thakur, Advocate for the petitioner

Mr. H.S. Sullar, Sr. DAG Punjab

AMAN CHAUDHARY. J.

1. Present petition has been filed under Section 482 Cr.P.C. seeking aside of order dated 26.07.2022, Annexure P-2 whereby bail of the petitioner was cancelled, bail/surety bonds were forfeited to the State and non-bailable warrants of arrest had been issued against the petitioner.

2. This Court vide order dated 29.03.2023 had granted an opportunity to the petitioner to surrender before the trial Court on or before 05.04.2023, upon which he was to be released on bail subject to its satisfaction.

3. Learned State counsel on instructions submits that pursuant to the aforesaid order, the petitioner appeared before the trial Court and was admitted on bail, whereafter, he is regularly appearing before the trial Court.

4. Adverting to the facts of the present case inasmuch the petitioner had wrongly noted the date of hearing, thus could not appear before the trial Court, which appears to be justified explanation of absence. At times, the accused can be prevented by sufficient reasons, as such absence cannot necessarily be

construed as deliberate and willful in each case. However, it being incumbent upon him to join the proceedings, before the trial Court, for the culmination of the same. Thus, keeping in view the facts and circumstances of this case that the petitioner had joined the proceedings in compliance of the order dated 29.03.2023 passed by this Court and to make the ends of justice meet, the present petition deserves to be allowed.

5. Accordingly, the impugned order dated 26.07.2022, Annexure P-2 passed by learned Additional Sessions, Judge, (FTC), Ludhiana in case FIR No.341 dated 14.11.2014 registered under Sections 399, 402 and Section 25 of the Arms Act, is hereby set aside.

(AMAN CHAUDHARY)
JUDGE

April 17, 2023
S.Sharma(syr)

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