

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-60713-2022 (O&M)
Date of Decision:05.01.2023

Rajesh Goyal

... Petitioner

V/s.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. G. S. Madaan, Advocate
for the petitioner.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has preferred this petition under Section 482 Code of Criminal Procedure for challenging order dated 02.07.2022 passed in complaint No. NACT/150/2019 dated 31.01.2019 under Section 138 of the Negotiable Instruments Act read with Section 420 and 120-B, IPC registered at Police Station Sector 5, Panchkula.

Learned counsel submits that since 07.09.2019 the petitioner was regularly attending the trial proceedings but on one date i.e. 02.07.2022, he could not appear due to medical reasons and moved an application for personal exemption which was declined by the trial Court and the bail granted to the petitioner was also cancelled.

Notice of motion.

At this stage, Mr. Bhupender Singh DAG, Haryana 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 consistently appearing before the trial Court.

A perusal of the order dated 02.07.2022 (Annexure P-6) reflects 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 for non-appearance before the trial Court is justified and therefore, the same is accepted.

Considering the above, the impugned order dated 02.07.2022 (Annexure P-6) is set aside subject to his putting in appearance before the trial Court within a period of three weeks and he is allowed to remain on the same bail bonds and surety bonds. In case, petitioner does not appear, the above orders shall remain intact.

Disposed of.

(DEEPAK MANCHANDA)
JUDGE

05.01.2023
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Whether speaking/reasoned	Yes
Whether Reportable	Yes /No