

CRM-M-59696-2022 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-59696-2022 (O&M)

Date of Decision: 21.12.2022

Kuldeep Singh

... *Petitioner*

V/s.

State of Punjab

... *Respondent*

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Simranjeet Singh Sidhu, Advocate
for the petitioner.

Ms. Ishneet Kaur, AAG, Punjab.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has preferred this petition under Section 482 Code of Criminal Procedure for quashing/setting aside of order dated 24.08.2022 (Annexure P-5) passed by the Additional Sessions Judge, Ludhiana whereby while cancelling the bail, the bail bonds and surety bonds of the petitioner were ordered to be forfeited and non-bailable warrants of arrest have been issued in FIR No.155 dated 09.12.2018 registered under Sections 399, 402, IPC and Sections 25 and 27 of Arms Act at Police Station Daroha, District Ludhiana.

Learned counsel submits that vide order dated 26.11.2020, petitioner was granted the concession of anticipatory bail, who continued to attend the trial proceedings regularly, however, on one occasion, the petitioner absented himself as wrong date was noted by him and the Court proceeded to cancel the bail and issued the non-bailable warrants.

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Notice of motion.

At this stage, Ms. Ishneet Kaur, AAG, Punjab 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 her that petitioner was already on bail since 20.02.2020 and had been appearing before the trial Court.

A perusal of the order dated 24.08.2022 (Annexure P-5) 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 24.08.2022 (Annexure P-5) is set aside subject to his putting in appearance before the trial Court within a week 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 off.

(DEEPAK MANCHANDA)
JUDGE

21.12.2022
seema

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes /No</i>