

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

CRM-M-11390 of 2020 (O&M)

Decided on:- August 11, 2020.

Gurmail Singh.

.....Petitioner.

Versus

State of U.T. Chandigarh.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Ms. Amandip Kaur, Advocate
for the petitioner.

Mr. Gautam Dutt, A.P.P., U.T. Chandigarh.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

This is second petition filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.401 dated 10.11.2018 under Sections 376 and 506 IPC registered at Police Station Sector-36, U.T. Chandigarh.

Learned counsel for the petitioner contends that earlier, the petitioner had approached this Court seeking anticipatory bail in the aforementioned FIR by way of **CRM-M-1071 of 2019** titled as **Gurmail Singh Versus U.T. Chandigarh and another** and this Court, vide order dated

23.05.2019 allowed the said petition and the interim bail granted to the petitioner was made absolute.

She has further submitted that thereafter, the Challan was presented in the case and the case was fixed for framing of charge before the trial Court. However, on account of noting a wrong date, the petitioner could not appear before the trial Court on 05.03.2020 and his bail bonds and surety bonds were cancelled and forfeited to the State and non-bailable warrants were ordered to be issued by the trial Court.

Learned State counsel has submitted that the petitioner intentionally remained absent before the trial Court and, therefore, he is not entitled for anticipatory bail.

I have heard learned counsel for the parties.

The order dated 05.03.2020 passed by learned Additional Sessions Judge, Chandigarh, whereby the presence of petitioner was ordered to be procured through non-bailable warrants reads as under:

“Case was fixed for addressing arguments on charge, however, accused has not come present. Previous cost of Rs.3000/- also not paid. Case called time and again but accused is not present. As such, bail bonds and surety bonds of accused are hereby cancelled and forfeited to the state. Let non bailable warrants of arrest against accused be issued for 09.04.2020. File be put up on the said date.”

In the light of the fact that the petitioner had neither appeared before the trial Court nor deposited the costs of Rs.3,000/- imposed by the trial Court, this Court finds that though the petitioner is not entitled to the anticipatory bail, but in view of the outbreak of COVID-19 pandemic, it is

ordered that in case the petitioner surrenders before the trial Court on or before 27.08.2020 i.e. the date fixed before the trial Court, he shall be admitted on bail on his furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

However, instead of payment of costs of Rs.3,000/- as imposed by the trial Court, the present petition is allowed subject to payment of costs of Rs.10,000/- to be deposited by the petitioner before the trial Court. The trial Court may also put any stringent condition upon the petitioner as it may deem fit.

August 11, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No