

In the High Court of Punjab and Haryana at Chandigarh

(Proceedings conducted through Video Conference)

CRM-M- 20664 of 2020

Date of Decision: 29.7.2020

Tulshi Dass

---Petitioner

versus

State of Punjab and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Siddharth Gupta, Advocate
for the petitioner.
Mr. G.G.Dhuriwala, Sr. DAG, Punjab**

Rekha Mittal, J.

The petitioner prays for grant of bail in anticipation of arrest, in pursuance of order dated 28.1.2020 passed by the Chief Judicial Magistrate whereby bail granted to the petitioner was cancelled, bonds were forfeited to the State and non-bailable warrants were ordered to be issued.

Counsel for the petitioner would argue that petitioner is facing trial for offence under Sections 145-147 and 174 of Railway Act registered on the allegations that a rally was held in front of office of Chief Yard Master, Bathinda. It is argued that trial is pending for the past more than three years but petitioner had never remained absent from the proceedings unauthorizedly except on 28.1.2020. It is further argued that petitioner is 70 years of age and in case he is sent to prison, it may adversely affect his health on account of Covid-19 pandemic. The last submission made by counsel is that petitioner may be allowed benefit of bail in anticipation of arrest and he undertakes to attend to trial proceedings without any default.

Counsel representing State of Punjab has opposed the prayer for bail with the submission that trial court has rightly issued non-bailable warrants for procuring presence of the petitioner, who absented from proceedings on 28.1.2020 without any tangible explanation.

Counsel representing State of Punjab has not disputed that petitioner is facing trial for the past more than three years and there is no history of his absence from proceedings without permission of the Court. He has also not disputed that petitioner is 70 years of age.

Though the petitioner is not able to justify his absence on 28.1.2020 but taking into consideration the nature of allegations coupled with age of the petitioner, when examined in the light of situation created due to Covid-19 pandemic, the petitioner is allowed benefit of bail in anticipation of arrest with a direction that he would surrender before the trial court/Duty Magistrate within a period of seven days and on his appearance, he would be released on bail, subject to furnishing bail bonds to the satisfaction of said court. However, nothing stated hereinbefore would stand in the way of trial court to continue with the proceedings under Section 446 Cr.P.C.

(Rekha Mittal)
Judge

29.7.2020

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No