

104

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

* * *

CRM-M-507-2021

Date of Decision: 07.01.2021

Vishal Sharma

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Navraj Singh Mahal, Advocate for the petitioner.

Ms. Samina Dhir, Deputy Advocate General, Punjab.

* * *

Avneesh Jhingan, J. (Oral)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition seeking anticipatory bail in FIR No. 131, dated 13th August, 2018 under Sections 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Goraya, District Jalandhar Rural.

The petitioner was arrested and was granted bail on 30th October, 2018. The challan was presented on 26th December, 2018. The petitioner failed to appear before the trial Court from 14th October, 2019 onwards, non-bailable warrants were issued.

Mr. Navraj Singh Mahal, learned counsel for the petitioner submits that there was communication gap between the petitioner and his counsel, resultantly, he missed the date and thereafter lock down was imposed.

Ms. Samina Dhir, Deputy Advocate General, Punjab opposes the prayer and submits that petitioner had intentionally violated the bail order and

trying to delay the trial.

The reasons given by counsel for the petitioner *prima facie* are not satisfactory. Four orders showing non-appearance of the petitioner are annexed as Annexure P-4, varying from October, 2019 to 6th February, 2020. The petitioner failed to appear before the trial Court. It can be taken that on one date there was miscommunication but not on every date thereafter. It is worth to note that there was no lock down before 23rd March, 2020.

However, the petitioner is granted another opportunity to appear before the trial Court and to furnish fresh surety bonds to the satisfaction of the trial Court, subject to payment of costs of Rs. 50,000/- to be deposited in Poor Patient Welfare Fund of Post Graduate Institute of Medical Education and Research, Sector 12, Chandigarh. The petitioner shall appear before the trial Court within two weeks and produce the copy of receipt of costs deposited.

In case of failure of the petitioner to appear before the trial Court or to deposit costs within the stipulated time, the orders of the trial Court with regard to issuance of the non-bailable warrants will stand restored, without reference to this Court.

The petition is disposed of.

(AVNEESH JHINGAN)
JUDGE

7th January, 2021

pankaj baweja

Whether speaking/reasoned

Yes

Whether reportable

No