

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

102)

CRM-M-8605 of 2021 (O&M)

Date of Decision: 10.09.2021

Gurmeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Imran Farooqi, Advocate, for the petitioner.
Mr. Rana Harjasdeep Singh, DAG, Punjab

Amol Rattan Singh, J. (Oral)

Case heard by way of video conferencing.

On 24.02.2021, the following order had been passed:-

“By this petition, filed under the provisions of Section 438 of the Cr.P.C, the petitioner seeks the concession of ‘anticipatory bail’, upon FIR no.376, dated 28.12.2019, having been registered at Police Station Bhawanigarh, District Sangur, alleging therein the commission of offences punishable under the provisions of Section 13 of the Punjab Prevention of Human Smuggling Act, 2012.

Learned counsel for the petitioner submits that in fact the petitioner had been admitted to interim bail by the learned Addl. Sessions Judge, Sangur, vide her order dated 07.01.2020 (copy Annexure P-3) but thereafter vide the order dated 19.01.2021 (copy Annexure P-3/A), his application seeking extension of the interim bail granted to him, has been dismissed.

It is to be seen that in the order admitting the petitioner to interim bail, he was directed to join investigation within one week from 07.01.2020, i.e. up to 14.01.2020, but with the plea taken by his counsel before the trial court (and in fact before this court today) being that due to the Covid-19 pandemic he could not continuously join investigation.

Learned Addl. Sessions Judge, therefore has stated obvious in the order (copy Annexure P-3/A) that the pandemic having set in much

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after 14.01.2020 that excuse would not be available to him.

Learned counsel for the petitioner however today submits before this court that in fact he had joined investigation pursuant to that order, but with the investigating officer thereafter changed, a report of him not having joined investigation was given by which time obviously the pandemic has set in and was continuing for the past 10 months prior to the order dated 19.01.2021 was passed.

Notice of motion, with Mr. Ramdeep Partap Singh, learned DAG, Punjab accepting notice on behalf of the respondent State, on the asking of the court.

Adjourned to 10.03.2021.

A gazetted officer is directed to file a reply stating therein as to whether the petitioner ever joined investigation prior to the Covid 19 pandemic setting in, or not.

It is made clear that there is no interim order operating in favour of the petitioner at this stage.”

Thereafter, on 10.03.2021, learned State counsel had made a statement that as per the affidavit received by him on behalf of the respondent State, the petitioner had never joined investigation pursuant to the order of this court dated 07.01.2020.

However, since that affidavit was not on record, hearing was adjourned on that date with the matter eventually having come up for actual hearing on 01.09.2021, with the affidavit taken on record, it having been filed by then.

Today learned counsel for the petitioner submits that the petitioner does not wish to pursue the present petition.

Dismissed as withdrawn.

10.09.2021
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes

Whether reportable: No