

(103) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No.M-8694 of 2021
Date of decision:25.02.2021

Rohit Kumar Petitioner
Versus
State of Punjab Respondent

Coram: Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Vikas Gupta, Advocate for the petitioner.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No.27 dated 09.08.2018, registered under Section 22 NDPS Act, 1985 at Police Station Mohkampura, District Amritsar.
3. Learned counsel contends that the petitioner was granted regular bail vide order dated 05.09.2018 passed by the learned Additional Sessions Judge, Tarn Taran but on account of his inability to appear before the learned trial Court on 06.01.2020 due to illness, the petitioner's bail bonds / surety bonds were cancelled and non-bailable warrants of arrest issued by the Court of the learned Additional Sessions Judge, Amritsar, thereupon the petitioner filed a petition for pre-arrest bail which was dismissed by the learned Additional Sessions Judge, Amritsar vide order dated 10.02.2021 on account of misuse of the concession of bail.

4. Learned counsel contends that inability of the petitioner to appear before the learned trial Court on 06.01.2020 was due to circumstances beyond his control on account of his illness but that the petitioner undertakes to ensure his presence in the proceedings before the trial Court on each and every date in future.

5. Notice of motion.

6. Ms. Monica Chhibber Sharma, learned Senior DAG, Punjab accepts notice and states that the petitioner is not entitled to grant of pre-arrest bail on account of misuse of the concession of regular bail.

7. I have considered the submissions of learned counsel for the parties. Since liberty of the petitioner is at stake and the petitioner was attending the proceedings before the learned trial Court but could not appear before it on 06.01.2020 on account of his illness resulting in his bail bonds / surety bonds being cancelled and he was ordered to be arrested by issuing non-bailable warrants, I do not find any error in the order of the learned trial Court for issuing non-bailable warrants for securing his presence. However, in the facts and circumstances of the case, I deem it appropriate to give the petitioner one opportunity to appear before the learned trial Court by furnishing bail / surety bonds along with undertaking that he would not jump bail and would appear on each and every date in the proceedings before the learned trial Court till the conclusion of the same.

8. Accordingly, in the circumstances, the petitioner is directed to appear before the learned trial Court and to furnish fresh bail / surety bonds as also undertaking that he would appear in the proceedings before the learned trial Court on each and every date till the conclusion of the trial and on the petitioner appearing before the learned trial Court and furnishing bail / surety bonds to the satisfaction of the learned trial Court, the petitioner be released on bail in case FIR No.27 dated 09.08.2018 registered under Section 22 NDPS Act, 1985 at Police Station Mohkampur, Amritsar. However, in the event of default by the petitioner in appearance on any date before the learned trial court, the bail granted to the petitioner would be liable to be cancelled by the learned trial court.
9. Petition stands disposed of in the aforementioned terms.

(B.S. Walia)
Judge

25.02.2021.
'Rajneesh/Amit'

1. *Whether speaking/reasoned* : Yes/No.
2. *Whether reportable* : Yes/No.