

205

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No. 10166 of 2020 (O&M)

Date of decision: 15.07.2021

Gurcharan Singh @ Bunty

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Mohit Kakkar, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

On 22.02.2021, the following order was passed by this
Court:-

*Prayer in this application is for extension of time granted
by this Court vide order dated 06.03.2020 to appear before the
trial Court for furnishing fresh bail bonds.*

On 06.03.2020, following order was passed: -

*“Prayer in this petition is for grant of anticipatory
bail to the petitioner in FIR No. 58 dated 12.08.2017,
registered under Section 21 of the NDPS Act, 1985 at
Police Station Naya Gaon, District S.A.S. Nagar.*

*Learned counsel for the petitioner submits that the
petitioner was granted regular bail on 12.07.2018 by this
Court and he was regularly appearing before the trial
Court, however, on account of his ill health, he could not
appear before the trial Court on 03.02.2020, subsequent to
which, his bail/surety bonds have been cancelled and non-
bailable warrants have been issued. To support his
arguments, learned counsel for the petitioner relies upon
medical reports (Annexure P-4 Colly.).*

*Learned counsel further submits that the petitioner
is ready to appear before the trial Court and apply for
regular bail.*

Notice of motion for 22.04.2020.

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In the meantime, the petitioner is directed to appear before the trial Court within a period of 15 days from today and on doing so, the trial Court shall release him on interim bail, subject to his furnishing bail/surety bonds to its satisfaction and on deposit of Rs. 5,000/- as costs with the District Legal Services Authority, S.A.S. Nagar.”

Learned counsel for the applicant-petitioner submits that due to illness and COVID-19 situation, the petitioner was unable to appear before the trial Court, as even the trial Court was not functioning.

Notice of the application to Advocate General, Punjab.

On asking of the Court, Mr. Joginder Pal Ratra, DAG, Punjab accepts notice and has opposed the prayer on the ground that the petitioner is unnecessarily delaying the proceedings.

After hearing learned counsel for the parties, considering the submissions made in the application, same is allowed, however, subject to payment of additional costs of Rs.10,000/- to be deposited with the District Legal Services Authority, SAS Nagar, over and above the costs already imposed.

The petitioner is granted 15 days more time to comply with the order dated 06.03.2020 from today.

It is made clear that if the petitioner failed to comply with the order dated 06.03.2020 within 15 days from today, this application be deemed to be dismissed and even the order dated 06.03.2020 shall stand recalled.

CRM stands disposed of.”

Counsel for the petitioner still seeks some more time to comply with the aforesaid directions.

After arguing the matter for some time, counsel for the petitioner, considering the fact that on 02 occasions, the petitioner has failed to join the investigation, submits that he may be permitted to withdraw this petition with liberty to the petitioner to surrender before the trial Court and the trial Court be directed to decide the regular bail

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application of the petitioner expeditiously.

Dismissed as withdrawn with liberty aforesaid.

In case the petitioner surrenders before the trial Court within a period of 01 week from today and apply for regular bail, the trial Court will dispose of the regular bail application of the petitioner within a period of 02 days thereafter.

(ARVIND SINGH SANGWAN)
JUDGE

15.07.2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No