

CRM-M No.15514 of 2021

Date of Decision : 23.04.2021

Arun Kumar Roy

...Petitioner

Versus

State of Haryana

....Respondent

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

Present: Mr. D.S. Virk, 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 anticipatory bail to the petitioner in case FIR No.127 dated 30.04.2018 registered under Sections 406, 420 and 120-B IPC, 1860 at Police Station Kalayat, District Kaithal.

3. Learned counsel for the petitioner contends that the petitioner had been released on regular bail in the aforementioned case vide order dated 13.08.2020 in CRM-M No.21647 of 2020. However, due to circumstances prevailing on account of Corona Virus Pandemic as well as the lockdown during the year 2020, the case was adjourned from time to time and on 27.11.2020 the case was adjourned to 16.03.2021, on which date on account of non-appearance of the petitioner, his bail was cancelled and bail bonds/surety bonds forfeited to the State of Haryana and his

arrest for 27.04.2021.

4. Learned counsel for the petitioner contends that non-appearance of the petitioner before the learned trial Court on 16.03.2021 was not intentional but on account of not being aware of the orders requiring his presence due to circumstances prevailing on account of corona virus pandemic. Learned counsel further contends that the petitioner undertakes to appear on each and every date before the learned trial Court.

5. Notice of motion.

6. Mr. Pawan Kumar Longia, learned DAG, Haryana, who is present, accepts notice and states that in view of the assurance of the learned counsel for the petitioner that the petitioner would appear before the learned trial Court on each and every date in future, the instant petition be disposed of by passing appropriate orders.

7. I have considered the submissions of learned counsel for the parties.

8. Admittedly, the year 2020 was one in which on account of circumstances prevailing due to corona virus pandemic and the ensuing lockdown, proceedings before trial Court's were disrupted and cases were adjourned from time to time and due to the aforementioned circumstances, the petitioner claims that he was not able to appear before the learned trial Court on account of not being aware of the orders requiring his presence on 16.03.2021. However, in view of the assurance of learned counsel for the petitioner that the petitioner would faithfully appear before the learned trial Court on each and every date henceforth, the instant petition is ***disposed of*** by directing the petitioner to surrender before the learned trial court on or

before 27.04.2021. In the eventuality of the petitioner surrendering before the learned trial Court on or before 27.04.2021, and moving a petition for regular bail, the learned trial Court is directed to release the petitioner on regular bail during the pendency of the trial subject to such conditions as are imposed by the learned trial court as deemed appropriate and subject to the petitioner diligently and faithfully appearing on each and every date fixed before the learned trial Court. However, in the eventuality of failure of the petitioner to adhere to the conditions imposed by the learned trial court as well as assurance held out by learned counsel whereby the petitioner undertakes to appear on each and every date during the pendency of the trial, it would be open to the learned trial Court to take out appropriate proceedings in respect thereto in accordance with law. Petition disposed of with the aforementioned directions.

(B.S. Walia)
Judge

23.04.2021

'Rajneesh/Amit'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>