

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

103)

CRM-M-16706 of 2021 (O&M)
Date of Decision: 20.04.2021

Nitin Goyal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Amit Puri, Advocate, for the petitioner.
Mr. S.S. Deol, DAG, Punjab

AMOL RATTAN SINGH, J. (Oral)

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.37, dated 07.03.2019, having been registered at Police Station Anaj Mandi, District Patiala, alleging therein the commission of an offence punishable under the provisions of Section 21 of the NDPS Act, 1985.

Learned counsel for the petitioner submits that the petitioner initially having been admitted to bail under the provisions of Section 167 (2) of the Cr.P.C. by an order of the learned Special Court, Patiala, on 16.05.2019, subsequently warrants of arrest were issued to secure his presence without his bail order being cancelled, only because he could not appear on one date, i.e. 01.02.2021, owing to the Covid-19 'situation', and subsequently, since the fee of the counsel representing him before the trial court had not been paid, the counsel did not contact him as to when the next date of hearing was.

Firstly, though the first contention could have been accepted, however it is seen that actually with the bail order not having been cancelled

by the learned trial court on 01.02.2021 but non-bailable warrants issued to secure his presence by 17.03.2021, those warrants were not executed (as he was not found present at home) and he was also not present before the trial court (with his counsel also not present), even on 17.03.2021.

Be that as it may, with the bail order not having been cancelled, I see no reason to interfere with the impugned order, with the petitioner always able to surrender before the trial court and explain his circumstances to that court even prior to formal execution of the non-bailable warrants, which now stand issued returnable for execution on 18.05.2021, i.e. about a month from now.

Consequently, this petition is dismissed.

20.04.2021
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No