

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

104

CRM-M-15457-2021.

Date of Decision: 07.04.2021.

Balwinder @ Bindu

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Kuldeep Singh Siwach, Advocate for petitioner.

Lalit Batra, J.(Oral)

This petition under Section 438 Cr.P.C. read with Section 482 Cr.P.C. has been moved by petitioner for grant of pre-arrest bail in case FIR No.176 dated 16.05.2020 under Sections 188 and 269 IPC, Section 51(b) of Disaster Management Act, 2005 and Section 21(b) of NDPS Act, registered at Police Station Sadar Fatehabad, District Fatehabad, against the order dated 01.02.2021 (Annexure P/6) passed by Special Judge under NDPS Act, Fatehabad, in terms of which, on account of non-appearance of petitioner-accused, after cancellation of his bail bonds, his presence has been ordered to be secured through warrant of arrest returnable for 07.04.2021.

Learned counsel for the petitioner *inter alia* contends that vide order dated 08.09.2020 (Annexure P/2) passed by this Court in CRM-M-26043-2020, petitioner was granted regular bail in the above said case FIR and in pursuant to the said order, petitioner had furnished requisite bail

bonds before the Court concerned. He further submits that due to COVID-19, as the Trial Courts were functioning for limited work and case was adjourned by the Trial Court, vide order dated 27.10.2020 (Annexure P/5) for 01.02.2021, petitioner was not aware of actual date of hearing and further on 01.02.2021, no notice was ever served upon the petitioner to effect his appearance before the Trial Court. He further submits that as petitioner has already been granted regular bail but on account of exigencies especially due to COVID-19, Trial Courts were not functioning for actual hearing, petitioner could not appear in the Court concerned on 01.02.2021. He further submits that petitioner is ready to appear before the Trial Court and wants to participate in the trial of the case and as such appropriate relief may be granted to the petitioner.

Notice of motion.

At the asking of Court, Mr. Vikrant Pamboo, Deputy Advocate General, Haryana, accepts notice on behalf of respondent-State. Complete copy of paperbook has been supplied to learned State counsel.

Having heard learned counsel for the parties and after perusal of record, this Court is of the considered view that since on account of COVID-19, Trial Courts were not working for actual hearing w.e.f. 23.03.2020 till mid of January, 2021 and the cases were being adjourned by administrative orders, no fault lies with the petitioner and for the said reason alone, he could not appear before the Trial Court on 01.02.2021. Petitioner has already been extended concession of regular bail by this Court, vide order dated 08.09.2020, as detailed above. Petitioner is directed to surrender before the Trial Court/Chief Judicial Magistrate/Duty Magistrate, as the

case may be, on 08.04.2021 and on surrender, he shall be admitted to bail, subject to his furnishing bail bond and surety bond to the satisfaction of said Court.

Petition is disposed of accordingly.

(LALIT BATRA)
JUDGE

07.04.2021
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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No