

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

Sr. No.105

CRM-M-16614-2021

Date of Decision:16.04.2021

JASVIR SINGH @ LAKHVIR SINGH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. Puneet Kumar Bansal, Advocate,
for the petitioner.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

The present petition has been filed by the petitioner, Jasvir Singh @ Lakhvir Singh, for grant of anticipatory bail in case bearing FIR No.83 dated 23.07.2016 under Section 18 of NDPS Act, Police Station Makhu, District Ferozepur.

As per the version of the prosecution, on 23.07.2016, the aforesaid FIR was registered, in pursuance of the recovery of opium to the extent of 1 kilogram 250 grams from the possession of the petitioner as well as co-accused, namely, Mamta, while they were occupants of the motorcycle.

Initially, the petitioner Jasvir Singh @ Lakhvir Singh had filed

a petition for seeking regular bail. Vide order dated 06.09.2016 passed by learned Additional Sessions Judge (Judge Special Court), Ferozepur (Annexure P-2), he was granted benefit of bail. However, during the course of pandemic, when the functioning of the Courts started, on 25.11.2020, the petitioner did not make appearance and resultantly, notice was ordered to be issued to him for 22.02.2021. However, the notice was not received back and on 22.02.2021, the case was further adjourned to 07.04.2021. On 07.04.2021, an application for seeking exemption of personal appearance of the petitioner, Jasvir Singh @ Lakhvir Singh was filed by the counsel for the petitioner, thereby stating that the petitioner is in Kissan Andolan, New Delhi and as such, could not make appearance on the date fixed. However, the said application seeking exemption from personal hearing was dismissed by the Court and resultantly, non-bailable warrants were issued.

In this background, the present petition has been filed. It is also submitted that the petitioner was unaware of the proceedings, conducted on the previous dates i.e. 25.11.2020 and 22.02.2021. It was only on 07.04.2021, when the counsel reached the Court, fixation of present case came to his notice and he had a talk with the petitioner, as a result whereof he came to know that the petitioner is involved in Kissan Andolan at New Delhi.

Looking at the pandemic situation, prevailing at that relevant time, there was restricted movement of the people, on the roads and resultantly, it can be eventuated that it was difficult for the petitioner to reach the Court, at that very time. Considering the same, and also looking at the fact that the petitioner had already been granted, benefit of bail and involvement of non-commercial quantity in the case, without dilating

further on the merits of the case, the instant petition is allowed and the petitioner is directed to surrender before the trial Court within a period of 15 days and on his surrender, the trial Court shall release him on bail to its satisfaction.

(ARCHANA PURI)
JUDGE

16.04.2021
himanshu

Whether speaking/reasoned	Yes
Whether reportable	No