

203

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

CRM-M No. 19119 of 2021
Date of Decision: 13.08.2021

Baljeet Kumar @ Chhinda

-Petitioner

Versus

State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ajiteshwar Singh, Advocate,
for the petitioner.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.151 dated 03.10.2017 registered under Sections 22, 61 and 85 of NDPS Act at Police Station Lambran, District Jalandhar, Punjab.

Notice of motion was issued on 17.05.2021, after recording the following facts:-

“The case has been taken up for hearing through video conferencing.

Learned counsel for the petitioner

contends that the alleged recovery was of intermediate nature. Petitioner was granted interim bail vide order dated 06.11.2017. After filing of the challan, the petitioner was never sought to be arrested, rather he was allowed to appear through his counsel till 13.02.2019. Perusal of the interim orders from 23.08.2018 (date of filing of the challan) to 13.02.2019 would show that no PW was present. Presence of PWs were sought to be secured even by coercive method. The proceedings were conducted for the purposes of securing presence of PWs. Order dated 03.05.2019 would show that the accused was not present. The exemption from personal appearance was granted and the case was adjourned for the service of PWs. Thereafter, on 03.06.2019, 08.08.2019, 20.09.2019, 13.11.2019, 06.01.2020 and 18.02.2020, the petitioner always remained present through his counsel, but the case was adjourned for want of PWs. On 01.04.2020, the petitioner did not appear and the trial Court adjourned the case to 03.06.2020 in view of order dated 31.03.2020 passed by the District and Sessions Judge and also on the basis of advisory issued by the Punjab Government as well as by the High Court in connection with epidemic. Thereafter, the case was further adjourned on 03.06.2020, 25.06.2020, 13.08.2020, 07.10.2020 and 03.12.2020 even in the absence of the petitioner

and for the purpose already fixed i.e. for securing presence of PWs. It was only on 03.02.2021, bail of the petitioner was cancelled. Bail bonds and surety bonds were forfeited to the State and the petitioner was ordered to be summoned through non-bailable warrants. Notice was also issued to the surety under Section 446 Cr.P.C. Learned counsel further submits that the petitioner could not attend the Court due to Pandemic COVID-19 and the Court itself adjourned the case due to the situation arising out of COVID-19 Pandemic on number of occasions.

Notice of motion for 13.08.2021.

In the meanwhile, the petitioner is directed to appear before the trial Court within 10 days. In the event of his appearance, he shall be enlarged on interim bail to the satisfaction of the trial Court.”

Learned counsel for the petitioner has sent a copy of order dated 19.05.2021 passed by Judge, Special Court, Jalandhar in Whatsapp group, showing that in compliance of order dated 17.05.2021, petitioner has already appeared before the concerned Court and he has been released on interim bail on furnishing personal bond in a sum of Rs.50,000/- with one surety in the like amount.

Learned State counsel could not deny the aforesaid fact.

At this stage, without meaning anything on the merits of the case, I deem it appropriate to confirm the order dated 17.05.2021.

In view of above, order dated 17.05.2021 is hereby made absolute.

August 13, 2021

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

- 1. Whether speaking/reasoned : Yes/No
- 2. Whether reportable : Yes/No