

CRM-M No.19258 of 2021

Date of Decision : 17.05.2021

Sandeep Kaur alias Sandeep

...Petitioner

Versus

State of Punjab

...Respondent

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

Present : Mr. Vikram Bali, 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 pre-arrest bail to the petitioner in case FIR No.143 dated 06.10.2019 registered under Section 306 IPC at Police Station Mahilpur, District Hoshiarpur.
3. Learned counsel contends that the petitioner was ordered to be released on regular bail vide order dated 14.02.2020 in CRM-M No.4144 of 2020 but on 01.04.2021, the petitioner could not appear before the learned trial Court on account of not keeping good health due to cough and fever but inadvertently application moved by learned counsel for the petitioner, requested for exemption from appearance on the ground that the petitioner was unable to appear due to urgent domestic work, as a result of which the petitioner's application for exemption from personal appearance was

declined, bail bonds and surety bonds forfeited to the State and the petitioner ordered to be summoned through non-bailable warrants of arrest on 06.05.2021 by taking into account that charge in the case was framed against the accused on 17.12.2020, case was fixed for prosecution evidence on 01.04.2021, service of witnesses had been effected but the accused had absented without any valid reason.

4. Learned counsel further contends that even the petition filed by the petitioner under Section 438 Cr.P.C. (Annexure P-4) was dismissed on the ground of contradictory stand having been taken in the application for exemption and the petition for pre-arrest bail, no medical record having been produced, of the petitioner deliberately not having appeared in Court when the witnesses had appeared for giving their statements on 01.04.2021, thereby the petitioner having misused the concession of bail granted to her.

5. Learned counsel contends that as is well-known, there is lot of fear in the minds of people due to the circumstances prevailing on account of Corona Virus Pandemic and even with slight cough, cold and fever, a person is terrified of having contracted Covid-19 but even in such a situation invariably a person due to fear waits for 2-3 days before going for testing and medication and inadvertently in the application for exemption from personal appearance, it was wrongly mentioned that the petitioner could not appear due to urgent work.

7. Learned counsel contends that the petitioner is a young unmarried lady of 25 years of age, matter under Section 306 IPC has been compromised and the petitioner was granted bail by taking the aforesaid aspect into account, absence of the petitioner was only on one date, next date

Before the learned trial court in the case is 26.05.2021 and the petitioner undertakes to appear before the learned trial Court on each and every date and in the circumstances, the petitioner be granted the concession of pre-arrest bail.

8. Notice of motion.

9. Mr. Sukhbeer Singh, learned AAG, Punjab, accepts notice and states that in the aforementioned circumstances, especially in view of the undertaking by the petitioner through learned counsel for the petitioner to appear before the learned trial Court on each and every date during the pendency of the trial, he does not oppose the prayer of the petitioner.

10. Accordingly, in the light of statement of learned counsel for the parties, although no infirmity can be found in the order passed by the learned Sessions Judge, Hoshiarpur, yet the petition for pre-arrest bail is disposed of with liberty to the petitioner to surrender before the learned trial Court and to move a petition for regular bail. In the eventuality of a petition for regular bail being moved, the learned trial Court is directed to consider and decide the same by taking into account the undertaking of the petitioner to appear before the learned trial Court on each and every date during the pendency of the trial and the conditions prevailing on account of Corona Virus Pandemic, as well as the fact that the petitioner is an unmarried young lady of 25 years of age and that she had initially been granted regular bail by this Court by taking into account the compromise entered between the parties. The petition for regular bail be considered and decided as expeditiously as possible, preferably on the same day, if possible.

(B.S. Walia)
Judge

17.05.2021

'Rajneesh/Amit'

Whether speaking/ reasoned

:

Yes/No

Whether reportable

:

Yes/No