

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105

CRM-M-21163-2021
Date of decision: 27.05.2021

Dinesh Kumar

.....Petitioner

versus

State of Haryana

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Suneel Sharma, Advocate for the petitioner.

Ms. Safia Gupta, AAG, Haryana.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of restrictions due to outbreak of pandemic COVID-19.

Petitioner-Dinesh Kumar, stated to be aged 35 years, has filed the present petition *inter alia* with a prayer for grant of anticipatory bail in case FIR No.257 dated 03.08.2016, registered u/s 21 of NDPS Act at Police Station Sector-5, Panchkula.

Learned counsel for the petitioner submits that in September 2016, the petitioner was granted regular bail. Learned counsel further submits that since September 2016, till February 2021, he has been regularly appearing on all dates before the trial Court. By making reference to para 5 of the petition, learned counsel submits that when on 18.01.2021, the petitioner appeared before the trial Court and he noted the date as

25.03.2021 whereas the case was actually adjourned for 25.02.2021. He submits that for his non appearance, on 25.02.2021, the trial Court has issued non-bailable warrants.

Notice of motion.

On asking of the Court, Ms. Safia Gupta, AAG, Haryana, accepts notice on behalf of respondent-State. She, on instructions from HC Purushottam submits that in fact after 25.02.2021, the petitioner ought to have appeared before the Court or should have moved an application for cancellation of non-bailable warrants.

On a query put by the Court, learned counsel submits that during this period the petitioner is not stated to have been involved in any other case. Counsel for the petitioner further submits that the petitioner is ready to join the investigation. He then submits that because of COVID situation also, retention of the petitioner behind the bars would be dangerous to his life.

In the peculiar facts and circumstances of the present case, this Court deems it appropriate to grant pre-arrest bail to the petitioner. He is directed to join the investigation and appear before the Investigating Officer.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the Trial Court. However, the petitioner shall abide by the conditions as provided under Section 438(2) CrPC.

The petitioner is also directed to move an application before the trial Court for cancellation of non-bailable warrants and till the decision of

the application, there shall be interim protection from arrest.

Disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

27.05.2021
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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No