

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(104)

CRM No. M-32428 of 2021
Date of Decision : 12.08.2021

Kans Raj and another

...Petitioners

Versus

State of Punjab

...Respondent

(through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Naveen Batra, Advocate for the petitioners.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.
(keeping in view advance copy given)

Harsimran Singh Sethi J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioners in FIR No. 51, dated 15.04.2015, registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Mukerian, District Hoshiarpur.

The petitioners were granted the benefit of regular bail by the learned Additional Session Judge on 30.07.2015(Annexure P-2) and thereafter, the petitioners have violated the terms and conditions of the bail and did not attend the proceedings of the Court as a result of which the bail of petitioners was cancelled on 11.12.2019. The argument being raised by learned counsel for the petitioners is that the petitioners were informed not

to come to the Court due to pandemic of Covid-19. Learned counsel for the petitioner submits that petitioner No. 1 has met with an accident and has suffered injuries and, therefore, petitioners be granted the benefit of anticipatory bail.

Once, admittedly petitioners have violated the terms and conditions of bail, there was no other option with the Court but to cancel the bail and summon the petitioners through non-bailable warrants. It is incorrect on the part of the petitioners to allege that on the date when the bail of the petitioners was cancelled on 11.12.2019, there was any pandemic of Covid-19 in existence. Not only that, after the cancellation of bail, petitioners have evaded the arrest for a period of more than one and half year rather than surrendering themselves before the appropriate Court of law seeking the benefit of bail.

No ground is made out to grant the petitioners the benefit of anticipatory bail as being prayed in the present petition.

Dismissed.

It is made clear that the petitioners will be free to surrender themselves before the appropriate Court of law and seek the benefit as deemed fit by them.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

August 12, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No