

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103)

CRM-M-36806 of 2021

Date of Decision: 06.10.2021

Shiv Narain and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. S.K. Verma, Advocate, for the petitioners.
Mr. Neeraj Poswal, AAG, Haryana

Amol Rattan Singh, J. (Oral)

Finally the report of the learned Chief Judicial Magistrate, Jind, dated 01.10.2021, has been received, not stating with regard to the petitioners having surrendered before that court on 15.09.2021 in terms of the order of this court dated 14.09.2021, but otherwise stating that the petitioners did not appear before that court on 07.03.2020, due to which their bail and surety bonds were forfeited, and with the warrants of arrest issued to secure the presence also not having been returned back unexecuted on the next date of hearing before that court, i.e. 16.03.2020.

The report thereafter states that due to the spread of the Covid-19 pandemic, till 15.09.2021, no effective proceedings took place.

Last, it has been stated that two co-accused have been declared to be proclaimed persons in the years 2018 and 2019.

Today learned counsel for the petitioners has produced an order of that court dated 15.09.2021, admitting the petitioners to bail pursuant to

the order of this court dated 14.09.2021, with them having furnished bail bonds in the sum of Rs.70,000/-, with one surety in the like amount (each), and with the next date of hearing before that court being 02.11.2021.

Learned counsel for the petitioners then points to the order of the learned Addl. Sessions Judge, Jind, dated 19.03.2020, dismissing the application/petition filed before that court under the provisions of Section 438 of the Cr.P.C., with that petition/application stated to have been instituted on 16.03.2020 even as per the said order, i.e. the date by which the warrants issued to secure the presence of the petitioners were to be executed before the trial court.

Keeping in view the above, though the petitioners obviously were absent without any cause on 07.03.2020, yet seeing that as regards the next date of hearing before the trial court, i.e. 16.03.2020, they had already moved an application seeking to be admitted to anticipatory bail, as their bail and surety bonds stood cancelled on 07.03.2020, and thereafter the trial itself could not proceed even as per the report of the learned CJM, without making any comment on the actual merits of the case, this petition is allowed, with the order dated 14.09.2021 made absolute.

06.10.2021
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No