

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

228

CRM-M-2554-2022

Date of Decision :28.01.2022

Vikas @ Vicky

...Petitioner

Versus

State of Haryana

...Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Anirudh Singh Shera, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.124 dated 04.04.2017 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sonapat Sadar, District Sonapat.

Learned counsel for the petitioner argues that after the registration of the present FIR, the petitioner was extended the benefit of regular bail by the competent Court of law on 09.05.2017, after which, the petitioner attended the proceedings of the trial Court as and when required but, due to the pandemic of Covid-19, the petitioner could not appear before the trial Court and the proceedings under Section 82 of the Cr.P.C were

initiated against him. Learned counsel for the petitioner submits that as the petitioner intends to join the proceedings, he may kindly be extended the benefit of regular bail.

Learned State counsel on the other hand submits that the petitioner has disobeyed the conditions of his bail as he did not attend the proceedings and rather even on the day when the challan was presented, he was absent and, thereafter, never appeared and the proceedings under Section 82 of the Cr.P.C were initiated against the petitioner and he was declared proclaimed offender. Learned State counsel further submits that at the time of the arrest of the petitioner on 07.09.2021, he was already declared a proclaimed offender and therefore, keeping in view the conduct of the petitioner, he may not be extended the benefit of regular bail.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Though, the conduct of the petitioner is deplorable as the petitioner disobeyed the conditions of his bail by absenting himself as a result of which he was declared as proclaimed offender but, as the petitioner is already behind the bars for more than four months and keeping in view the restrictive working of the Courts due to the pandemic of Covid-19, the trial is likely to take some time before it concludes and as learned counsel for the petitioner has undertaken before this Court that in case, the petitioner is extended the benefit of regular bail, he will comply with all the conditions of the same meticulously without fail and he will attend all the proceedings unless and until granted prior exemption for the same and will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded in any manner, the petitioner has made out a case for the grant of regular

bail. In case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

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.

January 28, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No