

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(110)

CRM No. M-3232 of 2022
Date of Decision : 28.01.2022

Alok Kumar

...Petitioner

Versus

State of U.T., Chandigarh

...Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Raj Kishore, Advocate for the petitioner.

Mr. Anil Kumar Lamdharia, Addl. P.P.
for U.T., Chandigarh.

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 petitioner in respect of FIR No. 285 dated 07.11.2019, registered under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Industrial Area, Chandigarh.

Learned counsel for the petitioner argues that as the petitioner is a resident of Uttar Pradesh, initially due to the fact that petitioner was sick with dengue, he could not appear and thereafter, as there was a Country wide lock down, the petitioner was unable to attend the proceedings.

Learned counsel for the petitioner submits that now the petitioner undertakes before this Court that he will appear before the trial Court on

every date without fail unless and until granted prior exemption from the competent Court of Law. Learned counsel for the petitioner submits that keeping in view the said fact, petitioner may kindly be extended the concession of anticipatory bail.

Notice of motion.

Mr. Anil Kumar Lamdharia, learned Addl. P.P., U.T., Chandigarh, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-U.T.

Learned Counsel appearing on behalf of U.T., Chandigarh submits that petitioner is evading the proceedings and did not present himself even on the date when the challan was presented and now the petitioner has approached this Court only because the proclamation proceedings to declare the petitioner a proclaimed offender has been initiated.

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

The conduct of the petitioner is deplorable as the petitioner violated the terms and conditions of bail and once, an accused has been directed to attend the proceedings of the Court, it becomes his/her duty to do so unless and until granted exemption. In the present case, for the last approximately 2 years, the petitioner is evading the proceedings and now excuses for the said lapse are being presented before this Court. But by giving a benefit of doubt to the petitioner, another opportunity is granted to the petitioner to join the proceedings but with clear direction that

henceforth, petitioner will not miss the Court proceedings unless and until granted prior exemption.

In case, the petitioner appears before the trial Court within a period of 10 days so as to join the proceedings, the trial Court is directed to extend the benefit of anticipatory bail to him subject to the condition imposed.

No further action be taken on the notice, if any, issued to the surety by the trial Court after cancellation of the bail of the petitioner, keeping in view the order passed today.

Petition is allowed in above terms.

January 28, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

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