

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-7351-2022(O&M)
Date of Decision:07.05.2022**

Mohammad Sanwar

...Petitioner

versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mohit Kumar, Advocate for the petitioner.

Mr.H.S.Sullar, DAG, Punjab.

TEJINDER SINGH DHINDSA, J. (ORAL)

The instant petition filed under Section 438 Cr.P.C. came up for hearing before this Court on 04.03.2022 and the following order was passed:-

“ This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

This is the 2nd petition filed under Section 438 Cr.P.C. seeking anticipatory bail to the petitioner in case FIR No.121, dated 05.06.2020, under Sections 15 & 29 of the NDPS Act, registered at Police Station Amargarh, District Malerkotla.

As per prosecution version, an alleged recovery of 7 kgs of poppy husk was effected from co-accused. Petitioner stands implicated on the disclosure statement of co-accused and who was arrested on the spot.

In terms of order dated 08.09.2020 passed by this Court in CRM-M-18866-2020, petitioner and another co-accused had been granted concession of pre-arrest bail.

Filing of the instant petition has been necessitated on

account of the fact that the petitioner absented from trial proceedings over three dates and accordingly proclamation proceedings stand initiated against him.

It is the contention raised by counsel that there was no intent to evade trial proceedings and the petitioner who is a poor person and is a driver by profession was under the bonafide impression that the Courts are not functioning on account of the Covid-19 pandemic.

Counsel further states that the petitioner is not involved in any other case under the NDPS Act.

Notice of motion, returnable for 07.05.2022.

In the meanwhile, petitioner is directed to appear before the trial Court within a period of one weeks from today. On his doing so, he would be granted ad interim protection subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate.”

Mr.H.S.Sullar, learned DAG, Punjab informs the Court that the petitioner has chosen not to appear before the trial Court in terms of the direction issued by this Court.

Keeping in view the conduct of the petitioner no further indulgence can be shown.

Petition is dismissed.

**(TEJINDER SINGH DHINDSA)
JUDGE**

**07.05.2022
sunita**

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