

104

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

**CRM-M-15696-2022
Date of Decision: 19.04.2022**

Lachhman Dass Bansal

..... Petitioner

Versus

State of Punjab

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Dr. Deipa Singh, Advocate,
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 438 read with Section 482 of the Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.36 dated 01.04.2016, under Sections 430/431 of the IPC and Section 3 of Damage to the Public Property, registered at Police Station Bagha Purana, District Moga.

It has been submitted by learned counsel for the petitioner that the petitioner could not appear before the Court because of lack of communication from the counsel and also due to Covid-19 Pandemic and there was no lack of any *bona fide* on the part of the petitioner and now since the bail of the petitioner has been cancelled, he may be granted the benefit of anticipatory bail.

On the other hand, Mr. Davinder Bir Singh, learned Deputy Advocate General, Punjab has submitted that he has received the advance copy

of the present petition and has also sought the instructions. He further submitted that it is a case where the petitioner did not appear before the trial Court for a long period i.e. one year and while referring to the order dated 02.04.2022 passed by the learned Additional Sessions Judge, Moga, he submitted that the petitioner did not appear for 17 consecutive dates even after the Covid-19 situation got a little better and thereafter, he was summoned through non-bailable warrants on 08.03.2022 after his bail was cancelled. He also submitted that it is not a case where petitioner did not appear once or twice but for 17 consecutive dates, and therefore, it was a deliberate attempt on the part of the petitioner to not appear. He has opposed the grant of the anticipatory bail to the petitioner.

I have heard the learned counsel for the parties.

The petitioner is seeking the grant of anticipatory bail on the ground that there was a lack of communication with his counsel and due to Covid-19 Pandemic, he could not appear before the learned trial Court.

However, on hearing the learned State counsel as well as on perusal of the order passed by the learned Additional Sessions Judge, Moga, it appears that the petitioner did not appear for 17 consecutive dates even after the Covid-19 situation had improved and therefore, he was summoned through non-bailable warrants after his cancellation of bail. For one year he did not appear and the matter was fixed for recording of statement of the accused under Section 313 of the Cr.P.C. and this has rather resulted in delay of the trial. The argument raised by the learned counsel for the petitioner is that there was a lack of communication and the Covid-19 Pandemic situation is not sustainable in view of the fact that the petitioner had been facing trial and he

was also supposed to know with regard to the dates on which he was to appear and it is not a case of an isolated date that he failed to appear. The petitioner has lacked in his *bona fide* and therefore, no ground is made out for grant anticipatory bail to the petitioner in view of the aforesaid facts and circumstances of the present case, consequently finding no merit in the present petition and the same is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

19.04.2022*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |