

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17648-2022
Date of decision: 28.04.2022

Ravi
...Petitioner(s)
Versus
State of Haryana
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Kuldeep Singh Siwach, Advocate
for the petitioner(s).
Mr. Manish Bansal, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
652	5.11.2016	Ratia, District Fatehabad	15/20/27 NDPS Act

1. Challenging the order of cancellation of bail and issuance of non-bailable warrants due to the default in an appearance before the trial court, the petitioner has come up before this court.
2. The background leading to the cancellation of bail and issuance of non-bailable warrants is that despite the case was called several times, but petitioner-accused did not come present.
3. In paragraph 7 of the petition, the accused offers the explanation that the matter was not taken up on the date already fixed, which led to his non-appearance, and he is not at fault. Be that as it may, the petitioner was supposed to follow up with his lawyer.
4. Although the petitioner appears to be lacking serious intent, it cannot be tantamount to complete disregard considering the explanation offered. Furthermore, the disruptive effect of the COVID-19 pandemic on the country's varied systems also should not be ignored. Given this background and the facts and circumstances peculiar to this case, I am satisfied by the explanation offered. The petition is allowed to the

extent mentioned in this order and with the following conditions.

5. There shall be a stay of the petitioner's arrest in the case mentioned above for ten days; however, if the petitioner fails to appear within this time of 10 days, then stay on arrest shall stand vacated without any further reference to this court. It is clarified that if the petitioner appears before the concerned court, then the impugned order dated 10-02-2022, Annexure P-45, issued by the concerned court against the petitioner in the matter mentioned above shall stand quashed, warrants canceled, and bonds restored. However, in case the Id. trial court so desires, it may ask the petitioner to furnish fresh bail bonds, and in such an eventuality, the petitioner shall execute a bond for attendance in the concerned court to its satisfaction.

6. **Within ten days from today**, the petitioner shall procure a smart phone and inform its IMEI number and other details to the SHO/I.O. of the concerned Police station. The petitioner shall always keep the phone location/GPS on the "ON" mode. Whenever the Investigating officer asks to share the location, the petitioner shall immediately do so. The petitioner shall neither clear the location history, WhatsApp chats, calls nor format the phone without permission of the concerned SHO/I.O. This condition shall continue till the completion of the trial or closure of case, whatever is earlier.

7. **Within ten days from today**, the petitioner shall deposit a sum of rupees ten thousand in 'High Court Lawyers Welfare Fund,' Account number 65018692589, SB, IFCI code SBIN0050306, Branch Code 50306, Branch Address State Bank of India, High Court Branch, Sector 1, Chandigarh. After depositing, the petitioner shall file the proof of deposit, before the concerned court and send its copy along with a copy of this order to the Secretary, Punjab & Haryana High Court Bar Association, either in physical or electronic mode.

8. Any Advocate for the petitioner and the Officer in whose presence the petitioner puts signatures on personal bonds shall explain all conditions of this bail order in any language that the petitioner understands.

9. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

10. *There would be no need for a certified copy of this order, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

Petition allowed to the extent mentioned above. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

April 28, 2022
AK

Whether speaking/reasoned:	Yes
Whether reportable:	No.