

133 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27783-2022
Date of decision:-30.06.2022

Sukhjinder Singh @ Jodha ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Arshdeep Singh Brar, Advocate for the petitioner.

Mr. Sidakmeet Singnh Sandhu, AAG, Punjab

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
84	15.05.2017	Moga, District Moga	21 of NDPS Act, 1985

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. Ld. Counsel for the petitioner contends that the non-appearance was due to COVID-19 lockdown and restrictions, and was unintentional and without any endeavor to delay the trial.

4. Without adjudicating the maintainability of this petition under section 482 CrPC, and leaving that question open; given the explanation offered by the accused coupled with the facts and circumstances peculiar to this case, a balanced approach would work as an incentive, a catalyst, speeding up the process, and bringing the guilty to Justice and Justice to the guilty. 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 for ten days; however, if the petitioner fails to appear within this time, 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 17-09-2021, Annexure P-4, passed by the concerned court (Ld. Additional Sessions Judge, Moga), against the petitioner in the matter mentioned above shall stand

quashed, warrants cancelled, 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. The bail bonds shall remain in force throughout the trial and after that in Section 437-A of the Cr.P.C., if not cancelled due to non-appearance or breach of conditions.

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, IFSC 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 alongwith a copy of this order to the Secretary, Punjab & Haryana High Court Bar Association, either in physical or electronic mode.

8. ***This order is subject to the petitioner appearing before the concerned court within ten days from today, and complying with the above mentioned conditions, failing which it shall stand recalled under section 362 read with 482 CrPC, without any further reference to this court.***

9. 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.

10. 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.

11. ***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

30.06.2022
Sonia arora

Whether speaking/reasoned:	Yes
Whether reportable:	No.