

CRM-M-27316-2022

Sukhdarshan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Lakshay Bector, Advocate for the petitioner.

Mr. R.S. Khaira, AAG, Punjab.

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ANOOP CHITKARA, J.

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 initially the petitioner could not appear due to COVID-19 Lockdown and after that Non Bailable Warrants were issued due to non-appearance.

3. Ld. Counsel for the petitioner contends that the non-appearance was unintentional and without any endeavor to delay the trial. In paragraph 5 of the petition, the accused offers a detailed explanation.

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 above for until July 08, 2022; 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 of NBWs, 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. By **July 08, 2022**, the petitioner shall procure a smartphone 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. By **July 08, 2022**, the petitioner shall deposit a sum of rupees ten thousand in 'High Court Lawyers Welfare Fund,' Account number 65018692589, SBI, IFSC 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 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 by July 08, 2022.**

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.

23.06.2022
Jyoti-II

(ANOOP CHITKARA)
JUDGE

Whether speaking/reasoned: Yes
Whether reportable: No.