

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

CRM-M-36205-2020

Date of Decision:11.03.2022

Avkash Singh

.....Petitioner

Vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: None for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)

On 11.11.2020, the following order was passed by this court:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

This petition has been filed under the provisions of Section 439 of the Cr.P.C. seeking 'regular bail' for the petitioner in case FIR no. 96 dated 26.07.2019, registered at Police Station Makhu, District Ferozepur, for the alleged commission of an offence punishable under Section 379-B of the IPC (with Section 411 of the IPC added lateron), as also Sections 25 & 27 of the Arms Act, 1959.

Learned counsel for the petitioner submits that other than the fact that he has been implicated in the current FIR only on the basis of an alleged confessional statement made by him, he also has been in custody for the past one year, with no prosecution witnesses examined at all so far, due to the ongoing pandemic.

Learned State counsel, on the other hand, submits that the petitioners' confessional statement was pursuant to a recovery of two cars made from him upon another FIR having been registered

against him on the basis of secret information received.

However, he could not deny the stage of the trial

That being so, without making any comment on the actual merits of the case, the petitioner is ordered to be admitted to interim bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Chief Judicial Magistrate/Duty Magistrate concerned, till the next date of hearing before this court.

Adjourned to 23.02.2021.”

Thereafter, the matter had been adjourned from time to time on the request of learned counsel for the petitioner with the learned trial court directed to send a report to this court on 21.09.2021, as to the stage of the trial, with that order repeated on 04.10.2021, (with counsel for the petitioner not having appeared on that date).

On 10.01.2022, though counsel for the petitioner had appeared, he had been directed to place on record the interim order passed by the trial court because as per the report of the learned SDJM, Zira, dated 01.10.2021, the accused were not appearing before that court but with counsel having submitted that one co-accused had died and with the petitioner always having come present before the trial court after he was admitted to interim bail.

Thereafter, another report has been received from the learned SDJM, dated 10.02.2022, wherein it is stated that the petitioner was admitted to interim bail by that court on 21.10.2021, in compliance of the orders dated 11.11.2020, and though he appeared thereafter once on 22.11.2021, he has never appeared thereafter, with even non-bailable warrants having been issued to secure his presence.

That being so, I see no reason to entertain this petition any further,
which is consequently dismissed and the interim order vacated.

March 11, 2022

dharamvir//

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned : YES
Whether Reportable : NO