

219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5069-2023
DECIDED ON: 6th FEBRUARY, 2023

HEMANT KUMAR

.....PETITIONER

VERSUS

JAGTAR SINGH AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. P.S. Jammu, Advocate
for the petitioner.

SANDEEP MOUDGIL, J. (ORAL)

The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in CrI. Complaint No. 54-I, dated 22.03.2017 titled as *“Jagtar Singh vs. Hemant Kumar and others”* filed under Sections 406, 420 and 34 IPC pending in the Court of learned Sub Divisional Judicial Magistrate, Ellenabad, District Sirsa.

It is asserted on the part of the petitioner that the petitioner was granted regular bail in the afore-said complaint and was appearing regularly but thereafter, his personal appearance was exempted due to COVID-19 situation. It is further asserted that the petitioner undertakes to appear in the Court on each and every date regularly and is also ready to abide by the conditions as deemed fit and imposed by the Court.

Notice of motion to the official respondent only at this state.

On the asking of Court, Mr. Mohit Kapoor, Addl. AG, Punjab accepts notice on behalf of respondent-State and submits that the absence of the petitioner is intentional or deliberate. It is asserted that the presence of the petitioner was procured through warrants of arrest on 23.02.2019 and was granted bail thereafter on the same date. He did not appear in the Court on 15.02.2021 and ultimately vide order dated 06.07.2022, he was declared proclaimed offender.

From the perusal of the order dated 10.01.2023 (Annexure P-7) passed learned Sessions Judge, Sirsa, it is apparent that the petitioner did not attend the court proceedings from 15.02.2021 to 06.07.2022 despite having the knowledge of the pendency of the case against him merely on the surmises that his exemption is continuing due to COVID-19.

Be that as it may, to meet the ends of justice and to ensure the furtherance of trial as well, this Court is of the considered view that the presence of the petitioner will also facilitate the trial proceedings effectively and will also take it to a logical end.

Considering the peculiar circumstances, wherein there is strong probability of having an apprehension and confusion so created during the COVID-19 with regard to the exemption from personal appearance, it might be a *bona fide* error on the part of the petitioner, who otherwise has been appearing regularly before the Court till 15.02.2021 without any default.

In view of afore-said facts and circumstances, the petitioner is ordered to be released on regular bail subject to his furnishing requisite bail bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

6th FEBRUARY, 2023

sham

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>