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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-56263-2023
Date of decision:- 08.02.2024

BHOOPENDRA SINGH

....Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. S.K.Bishnoi, Advocate,
for the petitioner.
Mr. Dhruv Sihag, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
366	20.10.2020	20(b)(ii)(B) NDPS Act	Sector-50, Gurugram, District Gurugram.

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner was granted regular bail by learned trial court vide order dated 01.12.2020 (Annexure P-2) and had been regularly appearing before the trial court but due to restrictions of Covid-19 Pandemic he missed the dates and lost track of the dates fixed before the trial Court, leading to

cancellation of bail vide order dated 29.08.2022 (Annexure P-3). He contends that after cancellation of bail petitioner was arrested on 08.09.2023 and since then he is in custody. He submits that petitioner undertakes to appear on each and every date of hearing if concession of bail is granted to petitioner.

3. Learned State counsel has not controverted the factual matrix of the case and admitted that petitioner was granted regular bail by learned trial court vide order dated 01.12.2020 (Annexure P-2) and on account of cancellation of his bail (Annexure P-3) he is in custody since 08.09.2023.

4. After considering the rival contentions and perusing the record it transpires that petitioner was granted concession of regular bail by learned trial court vide order dated 01.12.2020 (Annexure P-2) and due to non appearance on account of Covid-19 pandemic petitioner absented from hearing, resulting in cancellation of bail vide order dated 29.08.2022 (Annexure P-3). Meaning thereby, that the petitioner was regularly appearing before the learned trial Court and his absence was not intentional. The conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioner, and no useful purpose would be served by keeping petitioner behind bars any longer.

5. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, if not

required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

08.02.2024

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |