

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11952-2020 (O&M)
Date of Decision: 30.03.2020

Ishu Gover @ Ishu @ GoluPetitioner

Versus

U.T., Chandigarh and anotherRespondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Abhayjeet Singh, Advocate, for the petitioner.

Harnaresh Singh Gill, J.

Case has been taken up for hearing through video-conferencing.

Prayer in the present petition filed under Section 482 Cr.P.C. is for issuance of appropriate directions to the subordinate judicial authorities and the local administration for better coordination and to work according to the guidelines issued by the Hon'ble Supreme Court and this Court.

It is the case of the petitioner that in FIR No. 431 dated 24.11.2019 registered under Sections 379/411 IPC, at Police Station, Sector 39, Chandigarh, he was granted regular bail by the Additional District Judge, Chandigarh on 19.02.2020. Still further, in another case bearing FIR No. 279 dated 9.12.2019 registered under Section 379-B IPC at Police Station Sadar, Kharar, the petitioner was granted regular bail on 23.03.2020 by the Sessions

Judge, SAS Nagar. It is, however, stated that the said orders have neither been uploaded nor copies thereof have been provided to the petitioner. It is, thus, pleaded that in utter ignorance of the orders granting regular bail to the petitioner and various guidelines issued by the Hon'ble Supreme Court, the petitioner has not, till date, been released on bail. In this background, the petitioner has besides, making prayer for his release on bail, has also prayed for issuance of various other directions i.e. to issue a reliable channel or contact number/emails to be flashed and circulated among the general public; to update all the contacts of Judicial Officers on duty on respective days along with their contact numbers/email and address(es) on the official website of the concerned District; to keep the websites of local administration and subordinate judiciary up-to-date with all the recent developments like updating case status, next business date and uploading or handing over the orders passed before or on the date, the lock down was announced. etc.

Notice is not being issued to the respondents-States, for the reason that the directions prayed for by the petitioner are general in nature due to the lockdown and the curfew imposed in the wake of the outbreak of Covid-19.

The petitioner has sought his legal redress on account of not being released on bail despite having been granted regular bail by the Courts at Chandigarh and SAS Nagar. During the course of hearing, learned counsel for the petitioner has drawn the attention of the Court towards the notice uploaded on the website of the SAS Nagar, which would read as under:-

“Most Urgent notification dated 25.03.2020.

As per directions of Hon'ble District and Sessions Judge, SAS Nagar, all the officers and staff are directed not to attend court in view of restrictions imposed in curfew. All duty officers including AdJs and Magistrates will work from home. Fresh filing is closed so if any stay matter or bail app. is received at duty officer's house he/she may pass appropriate order accordingly, in the matter. Cases to be taken up w.e.f. 23/3 to 31/3/20, if not taken up yet due to curfew, will be taken up as and when any relaxation in curfew would be given or as per further directions from Hon'ble High Court. Officers/staff would be informed accordingly. In case of any emergency any officer or their staff may contact Supdt/CJM/ ADJ1/ Ldl. District and Session Judge, SAS Nagar Mohali.”

However, there is no detail of the telephone numbers and emails, of the Supdt/CJM/ ADJ1/ Ldl. District and Session Judge, SAS Nagar Mohali and the officers on duties.

Keeping in view the prevailing situation in the country on account of the outbreak of Pandemic Covid-19, and further taking into consideration the guidelines issued by the Hon'ble Supreme Court thereby directing all the states to consider releasing some prisoners on parole to reduce overcrowding in prisons, I deem it appropriate to direct all the Subordinate Courts in the States of Punjab, Haryana and U.T., Chandigarh to release the accused, who have already been granted bail either by this Court or by the Subordinate Courts, on bail on furnishing their personal bonds without enforcing the condition of surety bonds/bail bonds. Of Course, a condition can be laid down that when the situation turns to be normal, the accused would be bound to furnish surety bonds/bail bonds. In such process, all the District & Sessions Judges in the States of Punjab, Haryana and U.T., Chandigarh, shall issue appropriate directions to the police and the jail authorities. Likewise, the Directors General of Prisons and the Jail

Superintendents of all the three States are also directed to comply with the directives issued by the Courts.

However, it is made clear that any accused from the jail shall only be released after complying with the administrative instructions/guidelines issued in view of the outbreak of Covid-19, including maintaining of social distance and preventing community transmission.

Still further, all the District & Sessions Judges in the States of Punjab, Haryana and U.T., Chandigarh, shall make a mechanism, clearly providing on their official websites, the contact numbers and e-mails of the CJMs/Duty Magistrates or other Judicial Officers on duties so that the compliance of the orders granting bail could be made. They are also directed to upload the orders passed by the Courts in their respective Sessions Divisions, before or on the date of lockdown. However, while doing so, there shall be strict compliance of the precautionary measures as circulated by this Court in the wake of Pandemic Covid-19.

Let a copy of this order be circulated amongst all the District & Sessions Judges, in the States of Punjab, Haryana and U.T., Chandigarh and the Directors General of Police, Directors General of Prisons, and the Jail Superintendents, of all the three States of Punjab, Haryana and U.T., Chandigarh, for strict compliance.

Disposed of.

30.03.2020
ds

(HARNARESH SINGH GILL)
JUDGE

Whether Speaking/ Reasoned: Yes/ No
Whether Reportable: Yes/ No