

Serial No. 03
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.M.C. No. 103 of 2023

Date of Decision: 08.12.2023

Shri. Gurucharan Singh Puniya Vs. State of Meghalaya & Ors.

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. Philemon Nongbri, Adv.
Mr. J. Shylla, Adv.

For the Respondent(s) : Mrs. N.G. Shylla, Sr. GA. for R 1-3.
Mr. J.I. Nongrum, Adv. vice
Dr. N. Mozika, Sr. Adv.

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| i) | Whether approved for reporting in Law journals etc.: | Yes/No |
| ii) | Whether approved for publication in press: | Yes/No |

JUDGMENT (ORAL)

1. Heard Mr. Philemon Nongbri, learned counsel for the petitioner who has submitted that this Court vide order dated 10.10.2023 passed in AB. No. 52 of 2023 concerning the petitioner herein, on prayer made had allowed the petitioner to go on transit bail for a period of 60(sixty) days from the date of the said order, essentially to facilitate his medical treatment outside the State of Meghalaya. However, there is also

a direction by this Court that on the 60th day which happens to fall on 05.12.2023, he is to report before the Investigating Officer of Sankrail Police Station, Detective Department, Howrah Police Commissionerate, 24, Belilious Road, Kadam Tala, Howrah, West Bengal-711101.

2. The learned counsel has also submitted that pursuant to the said order, the petitioner had accordingly proceeded for his medical treatment and was treated at Medanta Hospital, Gurugram, Haryana. In compliance with the said order dated 10.10.2023, whereby the petitioner was issued with a notice under Section 41-A Cr.P.C, he had accordingly intimated the Investigating Officer informing him that he will be coming to his office on 05.12.2023 at 11:34 AM, however, it is said that the Investigating Officer being pre-occupied with other matters, has requested the petitioner to appear before him on 11.12.2023.

3. Since the period granted by this Court would expire on 09.12.2023, therefore, the appearance before the said Investigating Officer would be beyond the scope of the order dated 10.10.2023. Under such circumstances, the petitioner has petitioned this Court for an extension of the said period of 60 days to allow him to appear before the Investigating Officer on 11.12.2023 as directed.

4. Mrs. N.G. Shylla, learned senior GA appearing on behalf of the State respondent has strongly objected to the prayer made by the petitioner and has submitted that the essence of the order dated 10.10.2023 passed by this Court in allowing the petitioner to go on transit bail is not only to facilitate his medical treatment, but more importantly, to allow him to file an appropriate application before the competent court of jurisdiction in the State of West Bengal. However, records would show that the petitioner was admitted at the said hospital on 16.10.2023 and discharged on 18.10.2023, thereby giving him ample time to take necessary steps for any action to be taken on his part as far as the anticipatory bail or any petition for that matter to be filed before a competent court. This would only demonstrate the attitude of the petitioner who has sought to take advantage of this Court's order dated 10.10.2023 and has not taken steps in the right direction. Accordingly, even though, this Court may allow the petitioner to appear before the Investigating Officer on 11.12.2023, the prayer for extension of the transit bail may not be granted, further submits the learned senior GA.

5. This Court, upon hearing the learned counsels and on consideration of the submission made, would agree with the submission of

the learned senior GA that the petitioner has indeed failed to take necessary steps during the appropriate period of time that is granted to him by virtue of the said order dated 10.10.2023. However, as submitted, the offence alleged is one under Section 420 IPC and also considering the fact that the petitioner is undergoing treatment or recuperating from such treatment, due consideration may be accorded to the case of the petitioner. Accordingly, the prayer of the petitioner is allowed.

6. The period of the transit bail is now extended for a further period of 15(fifteen) days from today. It is made clear that within this period, the petitioner is to appear before the Investigating Officer concerned.

7. In view of the above, this Misc. Case is accordingly disposed of. No costs.

Judge

Meghalaya
08.12.2023
"D. Nary, PS"