

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-37934 of 2015
Date of decision : 10.12.2015

Lakhwinder Singh @ Lakha

..... Petitioner

versus

State of Punjab

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Naresh Jain, Advocate
for the petitioner

Mr. V.P.S. Sidhu, AAG Punjab

ANITA CHAUDHRY, J. (ORAL)

The petitioner is seeking regular bail in FIR No. 67 dated 23.06.2011 registered at Police Station Nathana, District Bathinda under Sections 302/307 IPC and 25 of the Arms Act.

Learned State counsel at the outset urges that the arguments have been heard and the case is fixed for orders on 15.12.2016.

Learned counsel for the petitioner urges that arguments have not been heard yet. The counsel refers to the statement made by the witnesses and urges that the petitioner was not identified by any of the witnesses. He also states that petitioner had been allowed bail in the beginning but for some reason he had absented and is in custody since 10.08.2015.

The trial Court had dismissed the application of the petitioner holding that he had misused the concession of bail and proceedings under Section 82 Cr.P.C. had been initiated and the trial had been held up on account of his absence. It has also been held

that no medical certificate has been produced to show that he was advised bed rest or or could not move.

The accused had absented when the case was at the stage of defence evidence and arguments and his absence was not only on one date. The medical record placed on record does not show any accident or fall. The certificate only refers to pain and immobility in the region. X-ray had been advised but those reports are not available on record. The case is even otherwise at the last stage of trial.

No case of bail is made out. The petition is dismissed.

December 10, 2015

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**(ANITA CHAUDHRY)
JUDGE**