

***IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH***

CRR No.1754 of 2013 (O&M)

Date of decision: 07.05.2015

Karnail Singh

... Petitioner

Versus

State of Haryana & another

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

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

Mr. M.S. Sidhu, Additional Advocate General, Haryana.

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TEJINDER SINGH DHINDSA, J. (ORAL).

The instant revision petition has been filed against the concurrent conviction of the petitioner under Sections 279/337/338/304-A IPC.

Petition came up for preliminary hearing before this Court on 23.05.2013 and notice of motion was issued confined only as regards quantum of sentence on the basis of contention raised by counsel that the petitioner is 60 years of age and would be ready to compensate the kin of deceased.

Subsequently, when the matter was taken up on 30.05.2013, counsel for the petitioner had submitted that the petitioner be released on interim bail so as to enable him to contact kin of the deceased and to thereby facilitate settlement. Accordingly, this Court had shown indulgence and granted interim bail till the next date of hearing subject to the satisfaction of CJM/Duty Magistrate, Karnal. The matter was, accordingly, posted for hearing on 08.07.2013.

On 08.07.2013, counsel for the petitioner again made a submission that a settlement had been arrived at with the legal representatives of the deceased but the same is yet to be reduced in to writing. Accordingly, the matter was adjourned and interim protection was extended. Thereafter, on 01.07.2014, the following order was passed by this Court:

“There is no representation from either of the parties. The revisionist is on interim bail in terms of the order dated 30.05.2013.

It is directed that the revisionist would appear in person on the next date and for the said purpose his bailable warrants be issued in the sum of Rs.20,000/- with one surety in the like amount.

List on 18.08.2014.”

Finally, on 30.10.2014, this Court took a strict view of the matter and noticed that even though concession of interim bail to the petitioner had been extended from time to time on the pretext that the matter has been compromised, he has not been able to comply with the orders of this Court to appear before this Court. Accordingly, matter was posted for 20.01.2015 and directions were issued for non bailable warrants to be issued against the petitioner for 10.01.2015 and he was to be arrested and produced before the Illaqa Magistrate to undergo remaining sentence of imprisonment.

As per office report, even the non bailable warrants issued upon the petitioner have been received back unexecuted with a report that the accused (present petitioner) is a Driver by profession and has not been found available at the given address.

Mr. Parminder Singh, Advocate appearing for the petitioner

today again submits that he has no instructions in the matter and he has failed to contact the petitioner.

The conduct of the petitioner deserves to be deprecated in strong terms. The only inference that can be drawn by this Court is that statements were made on behalf of the petitioner only to procure the order as regards interim bail.

The conduct of the petitioner, as such, leaves no option with this Court but to dismiss the revision petition.

Needless to observe that the order(s) granting interim protection to the petitioner would consequently cease to operate.

Revision petition dismissed.

07.05.2015
harjeet

(TEJINDER SINGH DHINDSA)
JUDGE