

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

**Crl. Misc. No. M-12 of 2016
Date of decision : 04.01.2016**

Paramjeet Singh

..... Petitioner

versus

State of Punjab

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. P.K. Chugh, Advocate
for the petitioner

ANITA CHAUDHRY, J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No. 44 dated 11.03.2013 registered at Police Station Derabassi SAS Nagar Mohali under Sections 379 IPC and 4(i) of Mining Act.

Heard.

A case of illegal sand mining was registered and the petitioner was allowed bail. He absented on 10.09.2014 and non-bailable warrants of arrest were issued. An application for anticipatory bail was filed before the Sessions Judge, Mohali. The Additional Sessions Judge, Mohali before whom the matter came up allowed the bail application on 14.10.2014 with a direction to surrender within 10 days before the trial Court and in case he did so he was to be admitted to bail. The petitioner failed to appear before the Court. He moved another application in April 2015 seeking extension of time. The application was moved on 07.4.2015 which was dismissed. The concluding paragraph of the order reads as

under:-

“Now it is his case that he fell ill and remained bed ridden for long time and, as such he could not surrender before the trial Court and his non-surrendering before the trial Court was neither intentional nor malafide. He has placed on record medical certificate issued by Swami Nursing Home, Dera Bassi to the effect that due to illness he was advised to complete bed rest from 05.02.2015 to 14.02.2015 and medical certificate issued by Mayan Nursing Home, Dera Bassi showing that he was advised rest from 22.02.2015 to 28.02.2015. However, perusal of the record shows that he was granted bail vide order dated 14.10.2014 and was directed to surrender before the trial Court within ten days. However, he failed to do so and filed the present application on 07.04.2015. Medical certificates produced by him show that he was advised bed rest from 05.02.2015 to 14.02.2015 and 22.02.2015 to 28.02.2015. It can not be said that due to illness he could not surrender before the trial Court for such a long period i.e. from 14.10.2014 till now. Therefore, no ground is made out for extension of time to furnish bail bonds, as per order dated 14.10.2014. Hence, this application stands dismissed.”

I have considered the submissions made on behalf of the petitioner. The petitioner had been granted the concession of regular bail. He thereafter absented. The concession of bail was extended to him again but the petitioner failed to appear before the Court. After five months he again approached the Court seeking extension of time. He was unable to show that he was bed ridden in October 2014. The petitioner is again seeking anticipatory bail. No case for anticipatory bail is made out.

Petitioner is directed to surrender before the trial Court on 11.01.2016.

The trial Court would dispose of the application expeditiously.

The petition is disposed of.

January 04, 2016

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**(ANITA CHAUDHRY)
JUDGE**