

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

**CRM-M No. 13659 of 2016 (O&M)
Date of Decision: 26.04.2016**

Rohit Jain

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Rajeshwar Singh Thakur, Advocate
for the petitioner.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 438 of the Code of Criminal Procedure, is for grant of anticipatory bail on behalf of the petitioner-accused-Rohit Jain in case FIR No. 157, dated 16.09.2009, for offences punishable under Sections 420, 467, 468, 471 of the Indian Penal Code, registered at Police Station Sarabha Nagar, Ludhiana.

It is contended that the petitioner was granted bail and continued to appear till his absence on 03.06.2014. The said absence is stated to be on account of the illness of petitioner, who was suffering from Hepatitis-B and was under treatment from 28.05.2014 till 15.04.2016. It is also contended that on merits, there is no offence made out against the petitioner. Therefore, prayer is for grant of anticipatory bail to the petitioner.

It is not in dispute that the petitioner continued to appear in the trial before 02.09.2013, when he was in custody in some other case. It transpires that he failed to appear from around September 2013, leading to

his bail bonds and surety bonds being cancelled and forfeited to the State on 03.06.2014. The petitioner was declared proclaimed offender on 01.05.2015. It is also not in dispute that due to absence of the petitioner, the trial has been unnecessary delayed since year 2013. It is also not disputed that no application seeking exemption from personal appearance on account of the alleged illness were filed. Even the nature of illness does not support his continued disappearance and absence from Court proceedings. Such litigant does not deserve any leniency.

In view of the above, no case for grant of anticipatory bail to the petitioner is made out.

Accordingly, the present petition stands dismissed.

April 26, 2016

'dk kamra'

(JASWANT SINGH)
JUDGE