

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

104

**CRM-M-16549-2016 (O&M).
Decided on May 20, 2016.**

Vickey

.. Petitioner(s)

VERSUS

State of Punjab

.. Respondent(s)

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

*** * ***

**PRESENT Mr.Jagpal Singh, Advocate,
for the petitioner.**

M.M.S. BEDI, J. (ORAL)

The petitioner having failed to appear before the trial Court on 10.3.2016, the trial Court opted to cancel his bail bonds and surety bonds.

Counsel for the petitioner submits that on account of hypertension and ill-health, the petitioner could not appear on said date.

The learned Additional Sessions Judge, Fazilka, has disposed of the application under Section 438 Cr.P.C., filed by the petitioner vide order dated 2.5.2016, by observing that in case the petitioner appears before the trial Court within a period of 10 days, his application for bail shall be decided within a period of 3 days. No interim protection being available, the petitioner has approached this Court.

This petition is disposed of with a direction that in case the petitioner puts in appearance before the trial Court within a period of 10 days and moves an application for bail explaining the reasons for non-appearance, the trial Court shall consider the said reasons and decide the application for bail. However, it is observed that in case the trial Court opts to dismiss the application, the petitioner will not be arrested for a period of next 15 days in order to enable him to approach this Court again for the grant of pre-arrest bail. It is also observed that the trial Court shall take into consideration the purpose for which the case was fixed on 10.3.2016, the number of witnesses present on said date, the reasonableness of the excuse offered by the petitioner for non-appearance and interest of expeditious disposal of the case while considering the application for bail.

Disposed of with above observations.

(M.M.S. BEDI)
JUDGE

May 20, 2016.
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