

CRM-M No.2751 of 2016

1#

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

CRM-M No.2751 of 2016

Date of Decision:-28.05.2016

Kuldeep @ Lambu.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. S.K.S. Bedi, Advocate for the Petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana
assisted by ASI Rajbir.

JASWANT SINGH, J.

Prayer is under Section 439 Cr.PC for grant of regular bail to the petitioner-Kuldeep @ Lambu in case FIR No.198 dated 12.06.2013 for offences punishable under Sections 302, 397 and 34 of Indian Penal Code and Section 25(54/59) of Arms Act registered with Police Station Sampla, District Rohtak.

The case was registered on the basis of the statement of the complainant Jagbir Singh son of Zile Singh which describes the incident pertaining to the murder of his brother Balwan by two unidentified persons using firearms while his brother Balwan was opposing the robbing of his car bearing no. HR-12-S-1024.

After completion of investigation, challan was presented *inter*

alia against the petitioner as well. The concession of regular bail was extended to the petitioner-accused by this Court on 27.08.2015, and subsequently he failed to appear before the trial Court w.e.f. 19.9.2015. The petitioner had earlier filed a petition seeking pre-arrest bail vide CRM-M No.43922 of 2015 on the ground of medical ailments being the reason for his non appearance and the same was disposed of vide order dated 24.12.2015 (**P-3**) directing the petitioner to surrender before the trial Court and seek bail. The petitioner thus instituted an application on 4.1.2016 (**P-4**) for surrendering and release on bail, which was declined vide order dated 08.01.2016 (**P-5**) by the learned Additional Sessions Judge, Rohtak.

It is contended that the applicant/accused was unable to appear because of his medical problem, as he was suffering from cervical spinal injury and that prohibited him to put in appearance on 19.9.2015, 3.11.2015 and 05.12.2015. The said averments however, are not substantiated by any kind of medical treatment or opinion brought on record.

Upon notice, affidavit of Shamsheer Singh, DSP, Rohtak has been filed. The same reveals that the petitioner never remained admitted in the hospital and his absence was intentional which resulted into cancellation of the bail. It is also undisputed that no application seeking exemption on medical grounds was ever made on behalf of the petitioner-accused by his counsel nor it was ever conveyed to the court leading to initiation of PO proceedings. It is thus apparent that the concession of bail previously granted was misused by the petitioner leading to unnecessarily delaying the trial. It is also highlighted that 20 witnesses on behalf of the prosecution stands examined.

Considering the conduct of the petitioner-accused, as well as

the stage of trial, it is not a fit case for grant of concession of regular bail once again.

In view of the above, finding no merit in the present petition, the same stands dismissed.

**(JASWANT SINGH)
JUDGE**

May 28, 2016
Vinay