

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

CRM-M-23606 of 2017 (O&M).
Decided on:-18.09.2017.

Rohit Malhotra @ Ishu.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Amandeep Singh, Advocate
for the petitioner.

Mr. A.S. Dhaliwal, DAG, Punjab.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in a criminal case arising out of FIR No.10 dated 16.02.2016 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Division No.8, District Ludhiana.

Learned counsel for the petitioner states that though the petitioner was otherwise on bail, but his bail bonds were cancelled vide order dated 07.06.2017 passed by the trial Court, as the petitioner failed to appear in the Court on that day. He further states that due to his illness, the petitioner could not appear before the trial Court and the petitioner has filed a medical

certificate dated 10.06.2017 issued by Kunal Pal Hospital, New Kartar Nagar, Ludhiana, whereby he was advised rest w.e.f. 06.06.2017 to 10.06.2017.

He further states that vide order dated 07.07.2017, this Court while noting the contention that the petitioner is ready and willing to appear before the trial Court and to face the trial, had directed the petitioner to appear before the trial Court on the date fixed in the case. The trial Court was further directed to release the petitioner on interim bail subject to furnishing fresh bail/surety bonds to its satisfaction. The case before learned trial Court was fixed for 17.07.2017, but even on that date, the petitioner could not appear for the reason that his wife was unwell. He has referred to the medical certificate issued by the aforementioned hospital vide which the wife of petitioner was advised rest w.e.f. 05.07.2017 to 20.07.2017.

Learned counsel for the petitioner states that the non-appearance of the petitioner before the trial Court was not intentional, but because of his own illness as well as illness of his wife. However, the petitioner is now ready to appear before the trial Court and to face the trial.

On the other hand, learned State counsel, on instructions from ASI Kamaljeet Singh, does not dispute the authenticity of medical certificates produced by the petitioner. He states that Kunal Pal Hospital, Ludhiana is owned by Dr. R.M. Pal, whereas Dr. Ravinder Singh, MBBS, MS (Surg.) is surgeon in the said hospital. He states that the said hospital is genuine one.

In view of the above, the petitioner is directed to surrender before the trial Court within one week from today. On doing so, the trial

Court shall release the petitioner on bail subject to his furnishing fresh bail bonds and surety bonds to its satisfaction.

The petition stands disposed of.

September 18, 2017
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No