

Sr. No.103

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-3069 of 2017 (O&M)

Date of Decision: 14.02.2017

Raj Gill

... Petitioner

Versus

The State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Sandeep Sharma, Advocate,
for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

This is the third petition preferred by the petitioner under Section 438 Cr.P.C. seeking concession of anticipatory bail in case FIR No.61 dated 13.05.2013, under Sections 420, 465, 467, 468, 471, and 120-B of Indian Penal Code, registered at Police Station Phagwara City, District Kapurthala.

Pleadings on record would clearly show that the petitioner had earlier filed CRM No. M-46058 of 2016 seeking identical relief and the same was disposed of in terms of order dated 23.12.2016 and in the following terms:-

“The petitioner has preferred this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.61 dated 13.05.2013, registered at Police Station Phagwara City District Kapurthala, under Sections 420, 465, 467, 468, 471, 120-B IPC.

After arguing for some time, the learned counsel for the petitioner does not press the instant petition on merit and liberty may be granted to the petitioner to surrender before the Competent Court and move an application for grant

of regular bail and a direction may be issued to the Court to decide the said application expeditiously.

I find it to be a fair request.

In these circumstances, the instant petition stands dismissed as not pressed. In case, the petitioner surrenders before the Competent Court on or before 03.01.2017 and moves an application for grant of regular bail, the same shall be decided expeditiously by the learned trial Court but in any case on or before 06.01.2017.”

Counsel during the course of hearing today concedes that the petitioner did not surrender before the competent Court within the stipulated time frame. Justification put forth is that the petitioner was apprehending that in case he surrenders and files an application for regular bail, the same would be declined.

This Court would not appreciate such line of reasoning and justification put forth.

It was only prayer made by counsel appearing for the petitioner that the order dated 23.12.2016 was passed by a coordinate Bench of this Court.

The petitioner having failed to appear before the competent Court as per liberty granted vide order dated 23.12.2016 at Annexure P-8, he is dis-entitled to the concession of pre-arrest bail.

Petition is dismissed.

14.02.2017

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned

Yes

Whether Reportable

No