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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-34371-2017
Date of Decision: 15.09.2017

Raj Krishan Berry

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Vikram Preet Arora, Advocate,
for the petitioner.

SUDIP AHLUWALIA J. (ORAL)

This petition has been preferred against the impugned order dated 26.07.2017 passed by the Ld. Additional Sessions Judge, Ludhiana. The petitioner was facing prosecution under various provisions of the PA and PR Act in connection with FIR No.86, dated 18.05.2005, registered at Police Station Salem Tabri, District Ludhiana. He was originally on bail but absented himself from the proceedings on account of which his bail bonds were cancelled and ultimately he was declared a Proclaimed Offender. His case before the Ld. Court below was that he could not attend the Court due to illness as he is aged around 75 years and suffered from Paralysis which prevented him from walking and constrained him in various hospitals for treatment.

[2]. Vide the impugned order, the Ld. Sessions Court directed the petitioner to surrender before the Trial Court within seven days and seek regular bail after explaining reasons for absence. *Ex facie*, this Court finds no legal impropriety in the impugned order.

[3]. It is however submitted by the Ld. counsel for the petitioner that considering his very old age and extreme physical disability, it is difficult for him to collect all his treatment related documents stretching over a long period to justify his absence on the original date, and therefore, the relief now claimed is only restricted to grant him some additional time to surrender so that he may collect his medical record in the meantime.

[4]. In view of the aforesaid submission, the present petition is disposed off with liberty to the petitioner to surrender before the Trial Court in terms of the impugned order passed by the Ld. Additional Sessions Judge, Ludhiana, and move a fresh bail application after explaining the grounds for his absence. The Ld. Trial Court is requested to pass an order on the bail application preferably from date on which it is filed/moved. Time granted to the petitioner is to surrender within fortnight from today, and any coercive process pending against him shall remain stayed in the meantime.

15.09.2017

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes

2. Whether reportable: No