

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-36178 of 2017
Date of Decision: 04.10.2017

Ashok Kumar

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

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

Present:- Mr. Mohinder Kumar, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

Through the present petition filed under Section 438 CrPC, the petitioner prays for grant of anticipatory bail in FIR No.150 dated 23.11.2012 under Sections 380, 448, 427, 506, 34 IPC and Section 201 IPC (added later on), registered at Police Station Division No.4, District Ludhiana.

In the aforesaid FIR, the police has conducted investigation and challan was presented. However, the petitioner was declared as proclaimed offender, as he absented from the proceedings of the case.

Learned counsel for the petitioner submits that the petitioner was never served in the case. He relies upon zimni order dated 12.12.2016 passed by Judicial Magistrate Ist Class, Ludhiana to contend that non-

bailable warrants issued in the name of the petitioner were received back unserved with the report that the petitioner is not residing at the given address and he has left the place. However, despite the fact that the petitioner was not served, the trial Court has formed an opinion as if the petitioner is deliberately avoiding the service. Learned counsel for the petitioner has also referred to Radiodiagnosis Report of MRI Brain of the petitioner dated 4.5.2015 issued by Dayanand Medical College and Hospital, Ludhiana (Annexure P-6), wherein it has been opined as under:-

“Impression: Haemorrhagic contusions bilateral frontal and left temporal lobe

- *Bilateral subdural hygromas*
- *To be correlated clinically”*

Learned counsel for the petitioner has further made reference to Discharge Summary dated 11.5.2016 of the petitioner issued by Dayanand Medical College and Hospital, Ludhiana (Annexure P-7), wherein it has been recorded that the petitioner is diabetic with the history of falls, abrupt episodes, while getting up from sitting position.

Learned counsel for the petitioner states that the petitioner undertakes that he will surrender before the trial Court and shall face trial. He will not create any impediment in the trial.

On the other hand, learned State counsel submits that the petitioner absented from the proceedings of the case on 29.05.2013, whereas the record being relied upon by the petitioner relates to 4.5.2015 (Annexure P-6) and 11.5.2016 (Annexure P-7).

I have heard learned counsel for the parties.

Considering the fact that the petitioner is an old person and is facing multiple health problems and also taking into account the zimni order dated 12.12.2016 passed by Judicial Magistrate Ist Class, Ludhiana, it is ordered that in case the petitioner surrenders before the trial Court within a period of 15 days from the date of receipt of a certified copy of this order, the trial Court shall admit him on bail subject to furnishing of his bail bonds/surety bonds to its satisfaction.

The petition is disposed of.

October 04, 2017
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No