

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-46353 of 2016 (O&M)
Date of Decision: 09.01.2017

Navdeep Singh @ Banka

--Petitioner

Versus

State of Punjab

--Respondent

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

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

TEJINDER SINGH DHINDSA.J

Instant petition has been filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.48 dated 13.3.2015 under sections 22, 61, 85 of N.D.P.S Act, registered at Police Station, Division No.4, Ludhiana, District Ludhiana.

Counsel for the petitioner has been heard.

Pleadings on record would show that the petitioner had earlier been granted concession of bail but on account of non-appearance on 30.11.2016 his bail bonds had been cancelled by the learned Additional Sessions Judge, Ludhiana.

Counsel for the petitioner has sought to justify non-appearance of the petitioner on the date in question i.e. 30.11.2016 on the ground that father of the petitioner was unwell and was suffering from Dengue and had also been admitted in Dayanand Medical College & Hospital, Ludhiana.

A perusal of the documents appended on record at Annexure P-3 would clearly demonstrate that Mr. Jasbir Singh i.e. father of the petitioner had been admitted in the hospital on 22.10.2016 and had been discharged on 27.10.2016. Clearly the medical ailment that father of the petitioner was suffering from and his hospitalization for the period

22.10.2016 to 27.10.2016 cannot be construed as justification for not appearing before the Trial Court more than a month later i.e. 30.11.2016.

On a pointed query having been put, counsel would concede that no exemption application had been moved on the date in question i.e. 30.11.2016 on behalf of the petitioner.

Clearly the petitioner has misused the concession of bail that had been granted to him.

Petitioner by way of his conduct has disentitled himself from the concession of pre-arrest bail.

Petition, accordingly, is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

09.01.2017

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Whether speaking/reasoned: Yes
Whether Reportable: No