

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CRM No.M-7529 of 2017
Date of decision:6.3.2017

Nirmal Singh

... Petitioner

versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Ms.Aashna Gill, Advocate,
for the petitioner
...

AMOL RATTAN SINGH, J. (Oral)

By this petition filed under Section 438 Cr.P.C., the petitioner is seeking the concession of anticipatory bail, who was earlier on bail but on account of his not appearing before the learned trial Court on one date, his bail bonds were forfeited on 3.2.2017.

Learned counsel for the petitioner submits that the petitioner was, in fact, unwell on that date and therefore, had sought exemption from personal appearance, annexing therewith a medical certificate from a private hospital showing that he had some stomach issues and nausea etc.

The learned trial Court has disbelieved the medical certificate for the reason that the petitioner did not appear on a date when the injured witness was to appear and testify.

In the aforesaid circumstances, I see no ground to grant the concession of anticipatory bail. The petition is consequently dismissed.

However, as the contention is that the petitioner did not appear

before the learned trial Court only on a single date, therefore, upon him surrendering before the trial Court and presenting an application for 'regular bail', it would be decided on the same date by that Court, on its own merits.

If, however, the petitioners' claim to the effect that he was absent only on one date is found to be incorrect, that factor would also be taken into consideration by the learned trial Court while disposing of the application under Section 439 Cr.P.C.

6.3.2017
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No