

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-15673-2018(O&M)

Date of Decision: 19.04.2018

Bhinder @ Bhupinder Singh

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. H.S. Jakhal, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J (Oral)

Instant petition has been filed under Section 438 Cr.P.C for issuance of directions to the learned Trial Court i.e. J.M.I.C, Fazilka to release the petitioner on bail in the event of his arrest at the time of his appearance in Criminal Case No.29/2017 of 27.02.2017 pertaining to case FIR No.64 of 03.09.2016 under sections 379, 411 I.P.C, registered at Police Station, Arniwala.

Pleadings on record would indicate that after registration of FIR petitioner had been granted concession of bail. Petitioner absented from trial proceedings on 30.10.2017 and as a result of which the concession of bail was canceled and bail bonds/surety bonds were forfeited. Non-bailable warrants were issued to secure presence of the petitioner.

Apparently, an application under section 438 Cr.P.C having been preferred by the petitioner before the court of learned Additional Sessions Judge, Fazilka, the same was allowed on 10.1.2018. Vide order dated 10.1.2018 (Annexure P-6) indulgence was shown by the court and petitioner was directed to appear before the Trial Court on or before 18.1.2018 i.e. the date already fixed and was granted the relief prayed for

subject to deposit of Rs.1500/-.

Counsel for the petitioner concedes that petitioner did not appear on or before 18.1.2018 and even the deposit of Rs.1500/- has not been made.

Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court is not inclined to intervene and to accept the prayer made in the instant petition.

Clearly petitioner having been granted bail, misused the concession and absented from the trial proceedings. Thereafter, his prayer for interim bail was also allowed by the learned Additional Sessions Judge, Fazilka subject to his appearance before the Trial Court on or before 18.1.2018 and upon deposit of Rs.1500/-. Petitioner has chosen not to appear before the Trial Court inspite of such concession and indulgence shown in terms of order dated 10.1.2018 (Annexure P-6).

Conduct of the petitioner disentitles him from the concession of bail.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

19.04.2018

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No