

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

Crl. Misc. No. M-42695 of 2018

Date of decision : 15.11.2018

Baljinder Singh @ Sabha

... Petitioner

versus

State of Punjab

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present: Mr. Rajesh Kapila, Advocate
for petitioner.**

ANITA CHAUDHRY, J.

CRM-40243 of 2018

Application is allowed and Annexures P-15 to P-20 are taken on record.

CRM-M-42695 of 2018

This is the second petition filed by the petitioner laying challenge to the order dated 17.05.2018 vide which the Court below restricted the interim bail allowed to the petitioner on medical ground for one date only and directed him to surrender before the trial Court on 01.07.2018.

Challenging that order, the petitioner initially filed CRM-M-31170 of 2018. The petition was disposed of on 18.08.2018 with a direction to the petitioner to appear before the trial Court on 27.08.2018 and to produce the relevant medical record concerning his illness and to apply for regular bail. It was left to the trial Court to decide whether the petitioner could undergo a trial since plea was raised that he was unable to undertake a trial.

The petitioner did not comply with the order. Instead he has filed this petition again challenging the order dated 17.05.2018. It was pleaded that the petitioner is unable to move, walk or hear and due to this reason he could

not appear before the trial Court. It was further urged that co-accused have been allowed regular bail by this Court and the petitioner is also entitled to the same relief.

I have heard learned counsel for the petitioner and perused the paper-book.

It has come on record that the petitioner was taken in judicial custody in this case on 09.09.2017. He filed an application for regular bail. The same was disposed of by the Court below on 15.02.2018 and he was granted interim bail on medical grounds for three months, subject to further extension depending upon his medical condition. Extension was sought. The Court below vide order dated 17.05.2018 granted one more extension and directed him to surrender before the Court on 01.07.2018 and made it clear that no further request for extension would be entertained. This Court also directed the petitioner to appear before the Court below and make the record available concerning his illness and to file application for regular bail and he was allowed interim bail. He failed to appear before the Court below. Instead, the petitioner has again filed the instant petition. The petitioner has to bring all the material to the notice of trial Court to show his *bonafide*. The petitioner cannot claim parity because his plea for bail was never considered on the merits. He was granted interim bail on medical grounds. It is for the trial Court to decide whether the petitioner can undergo the trial on the basis of material to be produced by the petitioner.

The petition is dismissed.

November 15, 2018
Jiten

(ANITA CHAUDHRY)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether reportable

Yes/ No