

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28059-2019

Date of Decision: 12.07.2019

Vijay Pal Singh

.....Petitioner

Vs.

State of Punjab

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Manu Loona, Advocate,
for the petitioner.

Mr. A.P.S. Gill, D.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Pursuant to the order dated 05.07.2019, an affidavit of Sh. Deepak Hilori, IPS, Senior Superintendent of Police, Fazilka, has been filed in Court today by learned State counsel, a perusal of which shows that upon an inquiry conducted by the Superintendent of Police, Abohar, it was found that non-bailable warrants ordered to be issued by the learned Additional Sessions Judge, Fazilka, for 13.03.2019, 10.04.2019, 16.05.2019 and 03.06.2019, were not executed on account of the negligence of one Head Constable Kuldeep Singh, as also the SHO P.S. Bahav Wala, Inspector Jaskar Singh, against both of whom departmental proceedings have been ordered to be initiated by the SSP.

Learned counsel for the petitioner again points to Annexure P-4 with the petition, i.e. a certificate issued by one Dr. Kamal Mahajan of Mahajan Hospital, Jandiala Guru, District Amritsar, on 28.02.2019, stating that the petitioner had suffered a fracture on 17.02.2019 and had been discharged on

28.02.2019, with him advised complete bed rest for three months.

He therefore submits that the petitioner could not have appeared before the trial Court during the said period.

A perusal of the interim orders reproduced in the body of the petition itself show that the petitioner first did not appear before the trial Court on 04.01.2019, on which date obviously he was not suffering from any fracture.

Thereafter, on 11.01.2019, he sought exemption from appearance which was granted to him, with him thereafter present on 30.01.2019.

On 08.02.2019, again he moved an application seeking exemption which was allowed (again a date prior to his fracture), which again was allowed.

On 20.02.2019, he not having appeared, his bail bonds were ordered to be cancelled and non-bailable warrants were ordered to be issued to produce him.

The said warrants were however not received back even till 13.03.2019, after which again on 10.04.2019, they had not been received back and fresh warrants were ordered to be issued.

The position remained the same on 15.05.2019 with, thereafter, the order dated 03.06.2019 stating that the warrants had been received back unexecuted.

Even if it is accepted (though not actually acceptable) that the petitioner was never even informed by the police with regard to warrants having been issued for his production in Court, it would be strange that he did not even contact his lawyer telephonically to know as to on which dates he had been summoned; and as to why he never even sent any medical certificate for all those days, stating to the effect that he was suffering from a fracture.

Whether or not he was actually suffering from a fracture, is also

something which may need to be verified from a Government hospital, if it eventually comes to that.

Be that as it may, keeping in view the fact that the petitioner did not even attempt to inform the trial Court as to why he was not appearing regularly, I see no reason to entertain this petition seeking anticipatory bail to the petitioner, which is consequently dismissed.

However, upon the petitioner surrendering before the trial Court and filing an application seeking regular bail, that would be considered on its own merits, after the trial Court determines as to whether he actually suffered any fracture or not.

The outcome of the departmental proceedings initiated against Inspector Jaskar Singh, SHO P.S. Bahav Wala, as also against Head Constable Kuldeep Singh, be put up before this Court after three months.

For that purpose, this case file be put up on 14.10.2019.

A copy of this order be given to learned counsel for the State under the signatures of the Bench Secretary of this Court.

July 12, 2019
nitin/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes