HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU
(THROUGH VIRTUAL MODE)

APPCR 12/2017

Manzoor Ahmed Khan and anr .....petitioner(s)

Through :- Mr. S.S. Chandel Advocate.

V/s

State & ors .....Respondent(s)

Through : None

Coram: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER

1 Through the medium of instant petition, the petitioners are seeking modification of order dated 17.03.2017 passed in 561-A CrPC No.23/2017 to the extent that the direction for surrendering before the trial Court, as contained in the aforesaid order, be waived.

2 A perusal of the record shows that vide order dated 17.03.2017 passed by this Court in 561-A CrPC No. 23/2017, warrants of arrest issued by the learned trial Court against the petitioners were directed to be stayed subject to the condition that the petitioners shall surrender before the trial Court on 29.03.2017 and move an application for grant of bail.

3 In the instant petition, the petitioners have submitted that they are apprehending that they would be killed at the hands of relatives of the deceased in case they surrender before the trial Court. On this ground it is urged that the condition regarding surrender of petitioners before the trial court be modified.

4 I have heard the learned counsel for the petitioners.

5 The record of the case shows that, as per the order passed by this Court on 17.03.2017 in 561-A CrPC No. 23/2017, the petitioners were directed to surrender before the trial Court on 29.03.2017, but they did not do so, whereafter they filed the instant petition. On 30.03.2017, the learned counsel for the petitioners had sought adjournment in order to enable him to apprise this Court as to when the petitioners will surrender before the trial Court. Thereafter, nobody appeared on behalf of the petitioners, nor it was conveyed to this Court as to when the petitioners would surrender before the trial Court.

6 The aforesaid conduct of the petitioners shows that they are not interested in surrendering before the trial Court and they have been dodging the direction of this Court for the last more than three and a half years. The fact that the petitioners have not surrendered before the trial Court for the last so many years shows that they are avoiding the process of law. The conduct of the petitioners disentitles them from any relief from this Court.

7 For the foregoing reasons, I do not find any merit in this petition. The same is dismissed, accordingly.

(Sanjay Dhar)
Judge

Jammu
16.12.2020
Sanjeev PS

Whether order is speaking: Yes
Whether order is reportable:/No

SANJEEV KUMAR UPPAL
2020.12.21 10:35
I attest to the accuracy and
integrity of this document