

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

**CRM-M-12148-2020
Date of Decision: 12.05.2020**

NARINDER SINGH

....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondent

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr.Nakul Sharma, Advocate for the petitioner
Mr.Lavinder Sofat, AAG Punjab

Deepak Sibal, J. (Oral)

Case taken up through Video Conferencing.

The present petition filed under Section 438 Cr.P.C. is for the grant of anticipatory bail in a Complaint Case No.NACT-147/16, dated 15.02.2016, registered under Section 138 of the Negotiable Instruments Act, 1881 titled as Vishal Sethi vs. Narinder Singh, pending before Judicial Magistrate 1st Class, Ferozepur.

After having heard learned counsel for the parties and perusing the record the undisputed relevant facts which have emerged are that on 29.10.2018 the petitioner was declared a proclaimed offender; on 15.05.2019 he was granted the concession of anticipatory bail; even thereafter when he, on 3 consecutive dates, failed to appear before the Court, on 30.09.2019 he was again declared a proclaimed offender and that on 03.02.2020 the petitioner filed another application seeking therein anticipatory bail primarily on the ground that after the grant of anticipatory bail on 15.05.2019 the petitioner could not appear before the

Court as he was attending to his ailing brother who ultimately died on 29.11.2019.

The above conduct of the petitioner clearly reveals that he has consistently evaded the process of law.

In the present proceedings the only explanation offered by the petitioner for his non-appearance before the Court is that his brother was unwell to whom he says he was attending to. However, the record reveals that after being initially declared a proclaimed offender on 29.10.2018 the petitioner was granted the concession of anticipatory bail on 15.05.2019. Thereafter on 3 consecutive dates i.e. 26.07.2019, 16.08.2019 and 30.09.2019 he failed to appear before the Court whereas the appended medical record shows that his brother was admitted to the hospital only on 13.11.2019 and that he died on 29.11.2019.

Even otherwise, before the admission of his brother in the hospital the petitioner did not bother to file any application, either personally or through his counsel, seeking to bring the above facts to the notice of the Court. Nothing prevented him to do so. Even the present proceedings were initiated by the petitioner only on 03.02.2020 i.e. after 2 months of his brother's demise. No explanation for such delay is even offered.

In view of the above and in particular the petitioner having been declared a proclaimed offender not once but twice does not entitle him to the grant of the concession of anticipatory bail.

Dismissed.

12.05.2020
gk

(Deepak Sibal)
Judge

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