

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-44890 of 2021 (O&M)

Date of Decision:08.11.2021

Rohit Khanna

.....Petitioner

Versus

State of Punjab

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Sanjeev Duggal, Advocate
for the petitioner.

LISA GILL, J(Oral).

This petition is stated to be the first petition filed by the petitioner seeking anticipatory bail in case FIR No. 148 dated 06.11.2016, under Sections 406, 498-A IPC, Police Station Women Cell, Jalandhar. Clearly the same is misleading as the petitioner has earlier filed CRM-M-46070 of 2016, which was dismissed on 27.03.2018 while specifically observing that conduct of the petitioner is indicative of lack of bona fides on his part.

Learned counsel for the petitioner seeks to explain the head note by submitting that it is the first anticipatory bail after dismissal of the bail application filed by the petitioner before the learned Sessions Judge, Jalandhar after he had not appeared before the learned trial Court subsequent to grant of regular bail on 27.05.2018. It is further submitted that dismissal of the CRM-M-46070 of 2016 is mentioned in para no.3 of the petition, though a copy of the order is not attached, thus the petitioner has no intention to mislead this Court or conceal any fact.

Be that as it may, though this ground in itself is sufficient for dismissal of the petition, the matter has been heard on merits.

FIR No. 148 dated 06.11.2016, was registered against the petitioner at the instance of the complainant, his wife. His anticipatory bail was dismissed by this Court on 27.03.2018 vide a detailed order. Petitioner is stated to have surrendered before the learned trial Court and regular bail granted to him on 27.05.2018.

Learned counsel for the petitioner has candidly admitted that thereafter, the petitioner has not appeared before the learned trial Court even once. It is submitted that the petitioner's father passed away on 20.07.2018 and due to the same he suffered from depression. Reference is made to medical certificate issued by Dr. Debabrata Mukherjee, of Batra Hospital and Medical Research Centre, certifying that treatment for depression is continuing from 01.06.2016 till issuance of the certificate i.e., 30.06.2021. Apart from the fact that the said certificate is entirely cryptic, it has been issued by a doctor whose specialty is mentioned to be 'Nephrology'. A nephrologist is clearly not qualified to issue a certificate regarding a psychiatric problem. It is further to be noted that the learned Additional Sessions Judge, Jalandhar in order dated 14.07.2021 has specifically mentioned that in applications for exemptions moved by the petitioner, it has nowhere been mentioned that petitioner is suffering from any mental disorder. It is in-fact mentioned that he is suffering from fever etc., and in one application it is stated that he is suffering from ill health. Learned Additional Sessions Judge, Jalandhar, has referred to the medical certificate in extenso and dealt with the matter succinctly. Anticipatory bail has been correctly denied vide order dated 14.07.2021.

It is a matter of record that after presentation of challan, petitioner did not appear in Court. Non-bailable warrants had to be issued.

He was ordered to be summoned through proclamation. His personal

appearance was exempted on his application on various occasions thereafter. However, he again absented from Court on 18.09.2019. Neither any application for exemption was filed nor he surrendered in Court. An application seeking anticipatory bail was filed after one and half year of passing of order dated 18.09.2019 cancelling his bail bonds.

Another argument raised by learned counsel for the petitioner that concession of anticipatory bail should be granted to the petitioner because divorce has been granted in the interregnum is devoid of any merit. The same in my considered opinion cannot be a reason to afford anticipatory bail to the petitioner in the factual matrix of the case. Grant of anticipatory bail is a discretionary relief and petitioner's conduct clearly disentitles him from the same. The sequence of events reveals that petitioner has behaved with impunity and shown scant respect for the process of law, which disentitles him from any relief as sought.

Keeping in view the fact and circumstances of the case, I do not find any ground whatsoever to afford the concession of anticipatory bail to the petitioner.

This petition is accordingly dismissed.

08.11.2021
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.