

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

Sr.No.202

**CRM-M No.53024 of 2019 (O&M)
Date of Decision: 31.01.2022**

Karamjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Shivoy Dhir, Advocate,
for the petitioner.

Ms. Gunkirat Kaur, AAG, Punjab
for the respondent-State.

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MEENAKSHI I. MEHTA, J.

CRM No.31363 of 2021

This application has been moved for placing Annexures P-5 and P-6, on the record.

Notice in the application.

At the asking of the Court, learned State counsel accepts the notice and she submits that she has no objection in allowing this application.

Keeping in view the above-said fact as well as the reasons as mentioned in this application, the same is allowed and Annexures P-5 and P-6 are taken on the record.

CRM-M No.53024 of 2019

By way of the instant petition, the petitioner has sought the

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relief of anticipatory bail in the criminal case arising out of the FIR bearing No.57 dated 04.07.2016 registered at Police Station Division No.8, Ludhiana, under Sections 365, 385, 323 and 506 read with Section 34 IPC, while averring that he was, earlier, granted the concession of anticipatory bail by the Court below but on 19.01.2019, he fell ill and his counsel moved an application for seeking his (petitioner's) exemption from personal appearance in the Court and the case was adjourned to 21.02.2019. However, he was not feeling well even on that day also and despite his request, his counsel did not file the application for seeking his exemption from personal appearance in the Court and resultantly, his bail was cancelled and the bail bonds were ordered to be forfeited to the State and non-bailable warrants were also ordered to be issued against him. The application moved by him before the Court below for seeking the relief of pre-arrest bail has been dismissed vide the order dated 17.08.2019, i.e. Annexure P-1.

I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file thoroughly.

Learned counsel for the petitioner refers to Annexure P-5, i.e. the copy of the receipt regarding the deposit of the sum of Rs.10,000/- and he points out that the petitioner has complied with the order dated 12.12.2019 as passed by the Co-ordinate Bench in this case and he contends that the petitioner could not appear in the Court due to his illness and his absence from the Court was unintentional and it being so, he

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deserves the relief as prayed for in the instant petition.

Learned State counsel opposes the prayer of the petitioner while arguing that he has misused the relief of anticipatory bail as extended to him earlier and therefore, this petition be dismissed.

As regards the deposit of the above-said amount by the petitioner, a perusal of the said order dated 12.12.2019, as passed by the Co-ordinate Bench in the present petition, reveals that the petitioner was directed to surrender before the trial Court/Duty Magistrate, after depositing the cost of Rs.10,000/- with District Legal Services Authority, Ludhiana, within seven (07) days and on his appearance, he was to be released on interim bail 'till the next date' on his furnishing the bail bond and surety bond to the satisfaction of the Court concerned. Thus, it is explicit that the said amount was to be deposited by the petitioner as a precondition for granting him the relief of interim bail and that too, till the next date of hearing only. It being so, the petitioner cannot claim the relief of anticipatory bail as a matter of right in lieu of the payment of the above-said cost by him.

A perusal of the order Annexure P-3 passed by learned trial Court on 19.01.2019 reveals that the petitioner was exempted from personal appearance in the Court for that day only, in view of the application moved for this purpose and the case was adjourned to 21.02.2019 and as per the order passed on that day, i.e. 21.02.2019, neither the petitioner nor anyone else on his behalf had appeared in the Court and therefore, his bail bonds were ordered to be cancelled and

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forfeited to the State and non-bailable warrants were issued. The explanation, as put-forth by the petitioner regarding non-filing of the application by his counsel before the trial Court on that day despite his request in this regard, can, by no stretch of imagination, be taken to be sufficient or plausible at all to justify his absence from the Court.

Keeping in view the above-discussed facts and circumstance, this Court is of the considered opinion that the petitioner does not deserve the relief of anticipatory bail. Resultantly, the petition in hand, being *sans* any merit, stands dismissed.

(MEENAKSHI I. MEHTA)
JUDGE

31.01.2022
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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>No</i>