

Raman Kumar Vs. State of Punjab

Present: Shri Harinder Singh Flora, Adv. counsel for the applicant/accused.
Shri Balwinder Singh, PP for the State.

This order of mine shall dispose of an application filed by applicant for grant of anticipatory bail, on the ground that case titled State Vs. Raman Kumar, FIR No.90 dated 1.7.2016 U/S 406,420 IPC, PS City, Hoshiarpur against the applicant is pending before the court of Sh.Manav, JMIC, Hoshiarpur which is fixed for 21.8.2018 for prosecution evidence. Initially case was fixed for 24.7.2018 for prosecution evidence. On that date the applicant/accused was suffering from Diarrhoea and telephonically informed his counsel that due to ailment, he is unable to attend the court. Learned counsel for applicant along with application for exemption went to the court and the Reader of the court told his counsel that the judicial file of the case is not available. It is 11.30 A.M again counsel for the accused/applicant went to the court and approached Reader and the file was not yet available. After that his counsel remained busy in other courts and at 12.30 P.M, he again went to appear in the court and handed over the application for exemption to the Reader. The clerk of the counsel noted down the next date as 24.7.2018 and court has declined his application and his bail was cancelled. Arrest warrants were issued. The absence of accused/applicant from the court on 24.7.2018 is neither intentional nor willful but due to the ill health. Undertaking is made that he will abide by conditions of bail and prayed for allowing the application.

2. Notice of the bail application was given to the State which is contested by the State through PP.

3. Trial court file is requisitioned and the same is perused.

4. On 24.7.2018, three prosecution witnesses PW1 Satwinder Singh, PW2 Jaswinder Pal and PW3 Jasvir Singh were present. Two witnesses PW1 and PW2 were for cross-examination. Accused did not appear and upon moving such application for exemption of personal appearance, the same was dismissed by the trial court. In this bail application, accused/applicant has produced on record certificate issued by one doctor Mrs.Gurcharan Kaur Pall. On the face of this very certificate, it looks fake as same has been issued on 23.7.2018 and the Dr. Gurcharan Kaur Pall has been called upon in this court who come present and made statement that one person came to her and disclosed his name and address but he was not so ill and came to procure certificate only. She felt sorry and stated that in future she will not issue such certificate. The certificate has been produced by the applicant for obtaining anticipatory bail, is found to be fake. Meaning thereby applicant want to mis-lead the court for the purpose of procuring such discretionary order of anticipatory bail. So, in considered view of this court, the applicant has violated the conditions of bail while not appearing before the court and hampered the work of trial court, secondly he has produced such fake certificate before the court. So such person is not entitled to any such discretionary relief. Hence, the anticipatory bail application is hereby dismissed. Trial court record be returned along with copy of order and present case file be consigned to Record Room, Hoshiarpur.

Pronounced in the open Court on this 31th day of August, 2018

(Ranjit Kumar Jain),
Addl.Sessions Judge,
HoshiarpurPB-0077

Naveen,J.W