

In the High Court of Punjab and Haryana at Chandigarh

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(1) CRM No.36894 of 2019 in/and
CRM-M-46226 of 2019 (O&M)

.....

Date of Decision:28.11.2019

Rajwant Singh

... Petitioners

Vs.

State of Punjab and another

... Respondents

.....

(2) CRM No.36891 of 2019 in/and
CRM-M-46239 of 2019 (O&M)

.....

Rajwant Singh

... Petitioners

Vs.

State of Punjab and another

... Respondents

.....

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Jitender Singh Dadwal, Advocate, for the petitioner.

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AMOL RATTAN SINGH, J. (Oral)

CRM No.36894 of 2019 and
CRM No.36891 of 2019:

By these applications, the orders passed by the trial Court

(S.D.J.M., Dera Bassi) between 13.8.2018 and 18.12.2018 are sought to be placed on record with the accompanying petitions.

The applications are allowed subject to all just exceptions and the aforesaid orders are ordered to be taken on record with each petition.

CRM-M-46226 of 2019

CRM-M-46239 of 2019:

By these petitions, the petitioner seeks that the order dated 08.07.2019 passed by the learned JMIC, Dera Bassi (Annexure.P.3 with each petition) be set aside, vide which he has been declared to be a proclaimed person in each of the two criminal complaints instituted against him by the second respondent in each petition herein.

A perusal of the orders passed by the learned trial Court, as have been now placed on record as Annexure-P.5, shows that the matter had been in fact sent for mediation proceedings on 31.08.2018 by that Court, after which it was recorded in the order dated 15.12.2018 that the petitioner (accused) had not even appeared in the Mediation Centre and thereafter had not appeared before that Court either, leading to the cancellation of his bail and surety bonds. Non-bailable warrants to secure his presence were ordered to be issued, but with that order having been recalled on 28.12.2018 (copy Annexure-P.2 with each petition), on the ground that he had contended that he being a Government employee was on election duty on 15.12.2018.

Thereafter again, however, on 05.01.2019, the petitioner again did not appear before the trial Court and consequently his bail and surety bonds were ordered to be forfeited to the State again. Thereafter, upon the

petitioner having filed a petition under Section 438 Cr.P.C before the learned Sessions Judge, Mohali, he was ordered to be admitted to bail by that Court upon furnishing his personal bond in the sum of ₹50,000/-, with one surety of like amount vide an order dated 29.01.2019.

Even in the aforesaid circumstances, that order having been passed, the petitioner did not surrender before the trial Court. Consequently, non-bailable warrants to secure his arrest were ordered to be issued vide an order passed on 22.02.2019 (a copy of that order also being a part of Annexure-P.2 colly.).

A proclamation warrant was seen to have been received back served and affixed on 02.05.2019, with the statement of the police official who had to execute the said warrant recorded before the trial Court. The petitioner, thereafter, still did not come present before the trial Court, even on the date that the impugned order was passed (on 18.07.2019).

Thereafter, 3½ months later, he filed CRM-M Nos.38087 of 2019 and 38110 of 2019, challenging the same orders as have been challenged now. Those petitions were withdrawn on 04.10.2019 with learned counsel for the petitioner submitting that all particulars as were asked for by this Court in those petitions, were not available at that stage, but with liberty taken to file the present petitions.

Now, having considered the entire matter, including all the orders passed by the learned trial Court in both the complaints against the petitioner, looking at the petitioner's conduct, with him making a mockery of all judicial process, I see no reason to grant any relief to the petitioner, as

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regards the FIRs registered against him under the provisions of S.174-A of the IPC.

Consequently, these petitions are dismissed.

November 28, 2019.

(Amol Rattan Singh)

hsp

Judge

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