

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRR-749-2020 (O&M)
Date of Decision:-17.8.2021

Avtar Singh @ Bhoda

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amandeep Singh Gulati, Advocate for the petitioner.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The instant revision petition has been filed by petitioner Avtar Singh @ Bhoda challenging order dated 4.12.2019 passed by learned Additional Sessions Judge, Rupnagar vide which an appeal filed by the petitioner challenging judgment dated 30.3.2017 passed by learned Chief Judicial Magistrate, Rupnagar challenging his conviction for offences under Sections 406 and 420 of Indian Penal Code, was partly accepted to the extent that the conviction of the petitioner for offence under Section 406 IPC was set aside while his conviction for offence under Section 420 IPC was maintained.
2. Although the petitioner's counsel was present at the time of final arguments when the appeal was disposed off on 4.12.2019 but the petitioner himself was not present and consequently the Trial Court was directed to take appropriate steps in this regard for effecting arrest of the petitioner. It appears that despite the dismissal of appeal on 4.12.2019 the petitioner never surrendered before the Jail Authorities or the Court.

3. When the instant revision petition was listed before a Coordinate Bench on 20.7.2021, a detailed order was passed noting the aforestated facts and a specific direction was issued to the petitioner to surrender before the Trial Court/Police Authorities within a period of 7 days. The operative portion of order dated 20.7.2021 reads as follows:

“Under the circumstances, the petitioner is directed to surrender in the trial Court/Police authorities within 7 days from today and then the Court be informed in that regard. In case of default, the revision petition would be liable to be dismissed on that score.”

4. Even today the petitioner has not put in appearance. Although learned counsel for the petitioner has orally submitted that the petitioner is unwell and is virtually on death bed but no medical certificate to this effect has been produced although the petitioner was very well aware that this Court issued specific directions for his surrendering vide order dated 20.7.2021. The aforesaid conduct of the petitioner for having remained absent continuously from 4.12.2019 despite his conviction having been affirmed, can hardly be appreciated. This Court cannot allow this kind of hide and seek on behalf of the petitioner and the petitioner under such circumstances cannot seek indulgence of this Court. The petition, as such, is dismissed.
5. The Trial Court concerned shall necessary steps for effecting arrest of the petitioner so as to make him undergo the remaining part of the sentence. A copy of this order be conveyed to the Trial Court concerned.

17.8.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No