

CRM-M-44922 of 2022

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

CRM-M-44922 of 2022
Date of Decision: 28.09.2022

Mohit Malhotra

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Barjinder Singh, Advocate, for the petitioner.
Mr. G.S. Sandhu, Deputy Advocate General, Punjab.
Ms. Gagandeep Kaur, Advocate, for the complainant.

ASHOK KUMAR VERMA, J. (ORAL)

Through this petition under Section 482 Cr.P.C. prayer has been made for quashing of order dated 26.08.2022 (Annexure P-1) passed by learned Additional Sessions Judge, Sangrur in Criminal Appeal No.CRA/90/2018 titled “Mohit Malhotra v. State of Punjab” instituted on 26.02.2018 against the judgment dated 05.02.2018 of the trial Court in FIR No.223 dated 05.12.2012 registered under Section 420 IPC at Police Station City Dhuri, Sangrur, whereby bail bonds and surety bonds of the petitioner have cancelled and forfeited to the State and non-bailable warrants were issued against him.

Vide judgment of conviction and order of sentence dated 05.02.2018 petitioner was convicted and sentenced to undergo rigorous imprisonment for three years and pay a fine of ₹5,000/- under Section 420 IPC and in default of payment of fine to further undergo simple

CRM-M-44922 of 2022

imprisonment for one month. Against the judgment of conviction and order of sentence, petitioner filed appeal before the Appellate Court and vide order dated 26.02.2018 during the pendency of appeal, sentence of the petitioner was suspended by the Additional Sessions Judge, Sangrur. However, due to his absence, bail bonds and surety bonds of the petitioner have been cancelled and forfeited to the State and he has been summoned through non-bailable warrants by the Additional Sessions Judge, Sangrur, vide order dated 26.08.2022.

I have heard learned counsel for the parties and perused the paperbook.

Perusal of the record shows that intentionally the petitioner chose not to appear before the appellate Court. He kept on moving exemption application before the Court on the one pretext or the other. Petitioner remained absent from the Court proceedings on 09.05.2019, 30.05.2019, 19.08.2019, 22.08.2019, 27.08.2019, 17.09.2019, 26.09.2018, 20.11.2019, 20.01.2020, 25.02.2020, 16.03.2020, 08.02.2021, 06.08.2021, 15.09.2021, 06.12.2021, 27.01.2022, 14.03.2022, 22.04.2022, 05.07.2022, 10.08.2022, 24.08.2022 and 26.08.2022, which shows the conduct of the petitioner that in order to linger on the matter, he remained absent from the Court proceedings on one pretext or the other, which resulted into cancellation of his bail and forfeiture of bail/surety bonds to the State. No cogent reason has been given by the petitioner for his absence.

In view of the above, this Court does not find any illegality

CRM-M-44922 of 2022

or perversity in the impugned order.

Dismissed.

September 28, 2022
R.S.

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No