

237 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9493-2023
Decided on : 10.03.2023

Bhupinder Singh Sawhney

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gursimran Singh, Advocate
for the petitioner.

Mr. Rahul Mohan, DAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

The petitioner is challenging the order dated 30.01.2023 (Annexure P-12) passed in FIR No.254 dated 16.12.2012 under Sections 420, 406, 120-B, 467, 468 and 471 of the IPC registered at Police Station Sector 31, Faridabad, District Faridabad vide which an application under Section 70(2) of the Cr.P.C. for recalling of non-bailable warrants filed by him was dismissed and fresh non-bailable warrants were issued for 24.02.2023.

In compliance of order dated 01.03.2023, learned State counsel has filed the status report by way of an affidavit of Assistant Commissioner of Police, Sarai, Faridabad, along with affidavit of Civil Surgeon in Court today, which is taken on record subject to all just exceptions. Learned State counsel while inviting the attention of this Court to Annexure A-1 annexed

with the status report submits that the petitioner was advised to get an opinion of the cardiologist but he did not turn up with the opinion before the Medical Board, till 1.45 pm on 03.03.2023 and instead went missing.

Learned counsel for the petitioner submits that since the petitioner was feeling giddy, he left the hospital due to which he was unable to appear before the Medical Board. He prays for a lenient view as the petitioner is willing to appear and surrender before the trial Court. It has also been submitted that the petitioner would give an undertaking to appear on each and every date of hearing before the trial Court.

In view of the above submissions made by learned counsel for the petitioner, the instant petition is disposed of with directions to the petitioner to appear and surrender before the trial Court on or before 15.03.2023. On his appearance, the petitioner shall move an appropriate application for grant of bail, which shall be decided expeditiously by the trial court in accordance with law. Till then no coercive steps be taken against the petitioner.

Before parting with the order, this Court would like to observe here that from the conduct of the petitioner it is evident that he intentionally evaded appearance before the trial court on multiple occasions on the pretext of his ill-health. When this Court vide order dated 22.02.2023 directed the petitioner to appear and get himself examined before the medical board, he went missing due to which the Medical Board was unable to conclude its proceedings and give any specific opinion qua his "ill-health". A perusal of the impugned order also reveals that a similar

direction was given by the trial Court vide order dated 30.11.2022 to the petitioner to appear and examine himself by the Medical Board constituted by CMO, Faridabad, however, he deliberately failed to do so. Therefore, this Court has no hesitation in observing that the petitioner has intentionally wasted the precious time of the trial Court as well as the Medical Board. Hence, a cost of Rs.1 lakh is imposed upon the petitioner, which would be deposited in the Poor Patient Welfare Fund, PGI, Chandigarh before 15.03.2023 failing which this order shall be of no avail to him.

10.03.2023
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No