

113 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11684-2023
Decided on : 10.03.2023

Gurmit Singh

..... 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-11) passed in FIR No.142 dated 09.04.2014 under Sections 420, 406, 120-B IPC registered at Police Station Faridabad Kotwali, District Faridabad vide which an application under Section 70(2) Cr.P.C. for recalling of non-bailable warrants filed by him was dismissed and fresh non-bailable warrants were issued.

Learned counsel for the petitioner submits that petitioner was on bail in the FIR in question, however, on account of his multiple medical ailments the petitioner was unable to appear before the Trial Court on various dates of hearing. In support of his submission, learned counsel has placed on record the medical record (Annexure P-4) issued by the doctor. Learned counsel further submits that the petitioner is ready to appear and join proceedings 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. A perusal of the impugned order reveals that a 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.50,000/- 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
sonia

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No