

S. No.125

2023:PHHC:121429

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

**CRM-M-15642 of 2021
Date of Decision:14.09.2023**

Joginder Singh Mattu

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. B.S. Bhalla, Advocate for the petitioner.

Mr. P.S. Pandher, AAG, Punjab.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 482 Cr.P.C., petitioner has prayed for setting aside the order dated 10.10.2017 (Annexure P.3) vide which warrants of arrest were directed to be issued against him during proceedings of case FIR No.34 dated 28.04.2017 registered under Sections 420 and 120-B IPC at Police Station Khalra, District Tarn Taran; order dated 11.01.2018 (Annexure P.8) vide which his application to recall the afore-said order was dismissed; and the order dated 10.03.2021 (Annexure P.10) whereby revision against the afore-said orders has been dismissed.

Perusal of the paper book reveals that petitioner was in custody in case FIR No.34 dated 28.04.2017 registered at Police Station Khalra, District Tarn Taran under Sections 420/120-B IPC. Vide order dated 29.09.2017 (Annexure P.1) passed by learned Additional Sessions Judge, Tarn Taran, petitioner was allowed interim bail to attend the marriage of his niece, from 03.10.2017 to 5PM of 06.10.2017, with specific direction to him to surrender upto 5 PM of

06.10.2017 either before the Court or before the jail. Petitioner failed to do so. His bail was cancelled. Warrants of arrest were issued against him which failed to procure his presence, then proclamation under Section 82 Cr.P.C was directed to be issued on 01.12.2017 (Annexure P.4). Petitioner moved an application to recall the afore-said order, which was dismissed by learned Judicial Magistrate ist Class on 11.01.2018 (Copy Annexure P.8). He then filed revision against the order dated 11.01.2018 (which was dismissed by learned Additional Sessions Judge, Tarn Taran vide order dated 10.03.2021 (Annexure P.10)).

It is contended by learned counsel that after being allowed interim bail till 06.10.2017, petitioner had to be admitted in the hospital due to Diabetes and skin infection and it is because of this reason that he could not surrender. Later on, warrants of arrest and proclamation have been issued against him. He further submits that he has already filed a petition for quashing of the FIR before this Court.

Annexure P.2 relied upon by the petitioner would reveal that this is the OPD slip dated 06.10.2017 and does not show admission of the petitioner in the hospital.

Assuming for the sake of arguments that on 06.10.2017, petitioner had to attend the hospital due to sudden sickness, he did not disclose as to till when he remained admitted in the hospital. Petitioner did not explain why he did not approach the trial Court concerned through his pleader to seek extension of time. Even thereafter, the petitioner did not surrender before the trial Court.

Having regard to the conduct of the petitioner inasmuch as he grossly

misused the concession of interim bail granted to him, he does not deserve any relief.

No illegality can be found in the impugned orders passed by the Courts below.

Dismissed.

September 14, 2023

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Whether Speaking/reasoned

Whether Reportable

(DEEPAK GUPTA)

JUDGE

Yes/No

Yes/No