

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.118

CRM-M-24947-2023 (O&M)

Date of decision : 18.05.2023

Gurjit Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Pranav Chamoli, Legal Aid Counsel,
for the petitioner.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks quashing of orders dated 13.12.2022, 19.01.2023, 22.02.2023 and 01.04.2023, whereby, non-bailable warrants of arrest were issued against the petitioner and finally, directions were issued to publish a proclamation.

A perusal of orders dated 13.12.2022, 19.01.2023 as well as that dated 22.02.2023 shows that the bail bonds of the petitioner were cancelled and non-bailable warrants of arrest were issued. This happened on 13.12.2022 after an application for exemption on medical ground was rejected by recording that no valid medical grounds were mentioned in the application and that the petitioner was habitual of seeking exemption on medical grounds. It was also recorded that the petitioner was an accused in large number of cases and was avoiding appearance so that he may not be arrested in other pending cases. Vide orders dated 19.01.2023 and 22.02.2023, fresh non-bailable warrants of arrest were issued as the ones issued earlier had not been received back served. In order dated 01.04.2023,

a direction has been issued to publish a proclamation after recording satisfaction that the petitioner was evading arrest.

Learned counsel for the petitioner has submitted that a perusal of order dated 13.12.2022 as well as that dated 19.01.2023 shows that the petitioner was infact present in Court and application for exemption on medical grounds was only filed at the directions of the Court, the health of the petitioner having deteriorated while in Court. The fact that the petitioner was present is also evident from order dated 13.12.2022 passed in a complaint case filed by the petitioner. The submission is that appearance in an adjoining Court establishes the factum of appearance in this case also. Thus, the directions for issuance of non-bailable warrants were not justified. The concerned Court has acted in a high-handed manner and the petitioner's liberty cannot be curtailed on this account.

Primarily, it is being submitted that the concerned Court has been dis-honest in recording orders. Even though, the petitioner was present in the Court, his bail bonds have been cancelled and non-bailable warrants have been issued. These are very serious allegations and thus, the veracity thereof needs to be examined.

A copy of the application for exemption on medical grounds has been handed over in Court. The same is taken on record and is marked as Annexure-P. This application only states that the petitioner has been advised complete bed-rest for medical reasons and presently is suffering from breathlessness, fever and cough etc. The contents of this application are contrary to the arguments raised in Court and demolish the same.

Arguments based upon order dated 13.12.2022, a copy of which annexed as Annexure P-8, also cannot be accepted because the inference that can be drawn therefrom is that the petitioner deliberately avoided appearance in the concerned Court despite being healthy for the reasons best known to him. Allegations are instead being made against the Court which are not justified. Advantage is sought to be taken of incorrect marking of presence which cannot be permitted. The irresistible conclusion on examination of all the facts cumulatively is that the petitioner is raising baseless allegations against the Court only to avoid arrest.

For the foregoing reasons, the petition is dismissed.

A copy of this order be communicated to the concerned Court who is directed to be careful in marking presence of the parties.

(SUDHIR MITTAL)
JUDGE

18.05.2023
Ramandeep Singh

Whether speaking / reasoned

Yes

Whether Reportable

Yes