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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-36166-2023 (O&M)
Date of Decision: 27.07.2023

Parminder Singh @ Happy

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Ankit Gupta, Advocate, for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of order dated 16.01.2023 (Annexure P-3) and order dated 19.07.2023 (Annexure P-4) passed by learned Special Court, Hoshiarpur whereby the non-bailable warrants were issued against the petitioner and his bail and bonds were cancelled and forfeited to the State.

2. Learned counsel for the petitioner has submitted that earlier the petitioner was granted bail by the learned trial Court but thereafter he could not present himself on the date fixed because he was suffering from Malaria and thereafter non-bailable warrants were issued against the petitioner.

3. I have heard the learned counsel for the petitioner.

4. A perusal of the impugned order Annexure P-3 would show that it is dated 16.01.2023 which is more than 6 months ago and as per the aforesaid order, the petitioner did not appear before the Court despite having

knowledge of the date because on previous date he had appeared and therefore, non-bailable warrants were issued against the petitioner on 16.01.2023. Still he did not appear and thereafter vide Annexure P-4 dated 19.07.2023 his bail and bonds were cancelled and forfeited to the State and again he was ordered to be summoned through non-bailable warrants of arrest for 18.10.2023. Learned counsel for the petitioner during the course of arguments has not been able to give cogent reason for his absence from the Court. The reason given with regard to the fact that he was suffering from Malaria is not a reasonable ground since no medical certificate has been attached and otherwise also Malaria is not that kind of disease which would perpetuate for longer period of time unless there are extra ordinary circumstances but the learned counsel for the petitioner has not been able to show any extra ordinary circumstance. Therefore, this Court does not find any merit in the submissions made by the learned counsel for the petitioner.

5. Consequently, the present petition is dismissed.

27.07.2023

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)
JUDGE

: Yes/No
: Yes/No