

2024:PHHC:028533

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

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CRM-M-8885-2024 (O&M)

Date of Decision : February 29, 2024

DEEPAK KUMAR ALIAS BINNY GUJJAR -PETITIONER

V/S

STATE OF PUNJAB AND OTHERS -RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Mandeep Kaushik, Advocate
 for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as instituted under Section 482 of the Cr.P.C., the petitioner seeks quashing of the impugned order dated 15.02.2024, whereby, the learned Magistrate concerned has issued production warrants against him, in connection with FIR No.01 dated 04.01.2024, under Section(s) 302/34 of the IPC, 1860, and, Section(s) 25/27 of the Arms Act, 1959, registered at P.S. Bullowal, District Hoshiarpur.

2. As a matter of fact, upon an application seeking issuance of production warrants of the petitioner, the learned Magistrate concerned had, through drawing an order on 12.02.2024, issued the requisite production warrants for 16.02.2024. However, owing to non-production of the petitioner before the learned Magistrate concerned, in compliance of production warrants (supra), the production warrants (supra) could not be materialized, which propelled the learned Magistrate concerned to, through an order drawn on 16.02.2024, issue fresh production warrants against the petitioner for 01.03.2024.

3. To the considered mind of this Court, this Court cannot

examine the validity of an order, which has not been annexed with the instant petition. Moreover, what emanates from the record available before this Court, is that, in fact at the time of registration of the instant petition, the Registry of this Court had raised objection *qua* maintainability of the instant petition, without the impugned order (supra) being enclosed therewith, whereupon, the learned counsel for the petitioner made a response that, although the impugned order (supra) has been pronounced, however, since the same is not in public domain, therefore, it is not annexed with the instant petition.

4. Nonetheless, in order to scrape through the above difficulty, though the learned counsel for the petitioner has filed an application bearing No. CRM-9274-2024, thereby seeking permission to place on record the copies of some orders and application, however, even those documents do not comprise the impugned order dated 15.02.2024, whereby, as claimed production warrants against the petitioners were issued. Therefore, in the absence of the impugned order (supra) being placed on record, the instant petition cannot be maintained, which is consequently **dismissed**.

5. The jail authorities concerned are directed to positively ensure compliance of the latest production warrants, through producing the petitioner before the learned Magistrate concerned on 01.03.2024.

6. A copy of this order be supplied to the learned State counsel, under signatures of the Bench Secretary of this Court, for communicating it further to the quarter concerned, for strict compliance.

7. All pending application(s) stand disposed of accordingly.

February 29, 2024

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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No