



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

114

- 1. CRM-M-40205-2024 (O&M)
- 2. CRM-M-40224-2024 (O&M)
- 3. CRM-M-40227-2024 (O&M)

Date of decision: September 2nd, 2024

M/s Global Cooling Towers and Equipment and others
.....Petitioners

Versus

State of Haryana and another
.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Parveen Chauhan, Advocate
for the petitioners.

MANJARI NEHRU KAUL, J.

CRM-35249-2024 in CRM-M-40205-2024
CRM-35248-2024 in CRM-M-40224-2024

Prayer in these applications is for placing on record the
medical reports as Annexure A-1.

Applications are allowed subject to just exceptions.

Annexures A-1 are taken on record.

Main cases

Prayer in the instant petitions is for setting aside the order
dated 25.10.2023 (Annexure P-3) passed by learned
Additional Sessions Judge, Gurugram, in CRA/477/2018,
CRA/475/2018 and CRA/476/2018 vide which his bail has been
cancelled and non-bailable warrant of arrests have been issued against
him.

- 2. Learned counsel for the petitioners submits that the learned
Appellate Court had initially directed him to deposit 20% of the

compensation amount in the appeals arising out of conviction in matters pertaining to Section 138 of the N.I. Act. After complying with this condition, his sentence was suspended and he was released on bail upon furnishing the requisite bail bonds. However, due to some ailments, the petitioner failed to appear before the court, resulting in the forfeiture of his bail bonds and the issuance of non-bailable warrants against him. To support his claim of being unwell, the learned counsel has drawn the attention of this Court to the medical reports (Annexure A-1).

3. I have heard learned counsel for the petitioners and perused the relevant material on record.

4. A prayer has been made by the learned counsel for setting aside the impugned order dated 25.10.2023 (Annexure P-3) vide which non-bailable warrants were issued against him, citing his illness as the reason for his absence. However, a perusal of the record reveals that on 25.10.2023, the bail of the petitioner was cancelled, and his bail bonds were forfeited, leading to the issuance of non-bailable warrants. Subsequently, the petitioner filed an application seeking the cancellation of the warrants. Consequently, the Court below granted one more opportunity to the petitioner to appear before the Court. However, he failed to do once again, prompting the re-issuance of non-bailable warrants by the Court to secure his presence.

5. The conduct of the petitioner shows a pattern of willful absenteeism from the Court proceedings. Additionally, the medical certificates annexed with the petition only reflect treatment of the petitioner for two isolated dates and raise serious doubts regarding their authenticity. Learned counsel for the petitioner has not provided any

records other than these two medical certificates much less of the petitioner’s hospitalization or continuous medical conditions that would justify his continuous absence from the Court proceedings.

6. On a pointed query to the learned counsel for petitioner as to whether the petitioner would still be willing to surrender before the Court concerned within the next seven days, it was submitted that the petitioner was always willing to do so and could have done so without filing the instant petition.

7. In the light of the repeated failure by the petitioner to appear before the Court below and the unconvincing nature of his illness, along with the own admission of the learned counsel for the petitioner that the petitioner could surrender without the need for these petitions, the instant petitions are dismissed.

September 2nd, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No