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CRM-M-34054-2026

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-34054-2026

Date of decision: 17.06.2026

Dr. Sumeet Sofat

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Dr. Sumeet Sofat, Petitioner in person.
(Through VC)

DEEPAK GUPTA, J. (ORAL)

By way of the present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner seeks setting aside of the order dated 05.06.2026 passed by the learned Chief Judicial Magistrate, Ludhiana, whereby his application seeking recall/cancellation of warrants of arrest and permission to join investigation has been dismissed, in case FIR No. 244 of 2025 registered at Police Station Division N: 8, Ludhiana, U/ss 218, 221, 222, 224, 351, 3(5) & 132 BNS, 2023.

2. Petitioner, appearing in person through VC, submits that pursuant to the order dated 15.12.2025 (Annexure P-1) passed by the learned Additional Sessions Judge while granting anticipatory bail, the petitioner was required to join investigation on or before 05.01.2026. It is contended that on the said date, the petitioner had suddenly fallen ill and, therefore, could not appear before the Investigating Officer. Reliance in this regard has been placed upon a medical certificate (Annexure P-2) issued by a private hospital. It is thus argued that the non-appearance was neither intentional nor deliberate and the warrants of arrest deserve to be withdrawn.



3. I have heard the petitioner and have gone through the paper-book.

4. The petition is devoid of merit. It is not disputed that vide order dated 15.12.2025, the petitioner was granted the concession of anticipatory bail subject to the condition that he would join investigation within twenty working days and cooperate with the Investigating Agency. The learned Chief Judicial Magistrate has recorded a categorical finding that despite the aforesaid direction, the petitioner failed to join investigation and did not comply with the conditions attached to the order granting anticipatory bail. Consequently, warrants of arrest came to be issued owing to his non-appearance and non-cooperation.

5. The principal ground now sought to be urged before this Court is that the petitioner was unwell on 05.01.2026 and, therefore, could not join investigation. Significantly, a perusal of the impugned order reveals that no such plea was ever raised before the Court below. The petitioner cannot be permitted to improve his case by introducing a fresh factual explanation for the first time before this Court. A litigant who has failed to place the relevant facts before the Court of first instance cannot seek interference on the basis of a plea which never formed part of the proceedings before that Court.

6. Even otherwise, the medical certificate relied upon by the petitioner does not inspire confidence. The certificate has been issued by a private hospital and is unsupported by any contemporaneous treatment record, diagnostic report, prescription or other material indicating that the petitioner was suffering from such a serious ailment as would render him incapable of appearing before the Investigating Officer within 20 days of the passing of order dated 15.12.2025. Mere production of a medical



certificate, particularly when the same is sought to be relied upon for the first time before this Court, cannot by itself furnish a satisfactory explanation for non-compliance of a judicial order.

7. There is yet another aspect of the matter. The petitioner was under a specific obligation imposed by the order granting anticipatory bail to join and cooperate in the investigation. Once such protection was granted subject to conditions, strict adherence thereto was expected. A person who fails to comply with the conditions upon which discretionary relief was granted cannot subsequently claim equitable relief as a matter of right. The conduct of the petitioner in not joining investigation despite the express direction of the Court dis-entitles him from invoking the discretionary jurisdiction of this Court.

8. The explanation sought to be furnished relates only to a particular date. There is nothing on record to show that the petitioner made any prompt endeavour to join investigation immediately thereafter. The absence of any such bona fide conduct further weakens the credibility of the explanation now advanced.

9. The impugned order does not suffer from any illegality, perversity or jurisdictional error warranting interference by this Court in exercise of its inherent jurisdiction. Rather, the learned Magistrate has rightly declined to recall the warrants after noticing that the petitioner had failed to comply with the conditions of the anticipatory bail order and had not cooperated with the investigation.

10. Consequently, finding no merit in the present petition, the same is dismissed.

11. Needless to observe that dismissal of the present petition shall not preclude the petitioner from surrendering before the competent Court



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and seeking such relief as may be available to him in accordance with law.

17.06.2026

Yogesh

**(DEEPAK GUPTA)
JUDGE**

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No