

In the High Court of Punjab & Haryana at Chandigarh.

CRM-M-33741-2017

Date of decision: 19.09.2017

Ram Ishwar Verma

..... Petitioner.

VS.

State of Haryana and Another

..... Respondents.

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Wazir Singh, Advocate
for the petitioner.

MAHABIR SINGH SINDHU,J.(ORAL)

It is contended that the impugned order dated 19.08.2017 (Annexure P1) has been passed by learned Additional Sessions Judge, Karnal, without taking into consideration the fact that the petitioner was suffering from illness and was advised bed-rest by the doctor; but learned Appellate Court has taken a very hyper technical view in the matter.

I have gone through the impugned order and it transpires that though on 17.07.2017 also the personal appearance of the petitioner was exempted by learned trial Court, and again he sought exemption on medical ground which was declined while passing the impugned order. But the fact remains that his counsel was present on the date when the impugned order dated 19.08.2017 was passed.

Be that as it may, now it has been informed that appeal is pending for 16.10.2017 and the petitioner wishes to join the proceedings in the appeal with an undertaking that he will not repeat such lapses in the future.

In view of the above, petition is allowed without issuing notice to respondent No.2 subject to the payment of costs of ₹5,000/- (Rupees five thousands) to respondent No.2. The impugned order is set aside with the direction that the petitioner shall appear before the learned Additional Sessions Judge, Karnal where the case is pending and would be released on bail on furnishing bail bonds and surety bonds to the satisfaction of the learned Appellate Court.

In case, respondent No.2 feels aggrieved against the present order, liberty is granted to him to move this Court for recalling of order passed today.

Costs of ₹5,000/- (Rupees five thousands) be paid to respondent No.2 on the first date of hearing before the learned Appellate Court.

**(MAHABIR SINGH SINDHU)
JUDGE**

19.09.2017.
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No