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

**CRM-M-40632-2017
Date of Decision: 31.10.2017**

Ravi Kant

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

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

SUDIP AHLUWALIA J. (ORAL)

Notice of motion.

[2]. On the asking of the Court, Mr. J.S. Walia, Senior Deputy Advocate General, Punjab, accepts notice on behalf of the respondent-State. Let a copy of the paper-book be supplied to him during the course of the day.

[3]. This petition is directed against the impugned order passed by the Ld. Chief Judicial Magistrate, Pathankot on 10.10.2017 in the criminal proceedings arising out of FIR No.58 dated 17.06.2014 under Sections 304-A, 279 & 427 of the IPC registered at Police Station Shahpurkandi, District Pathankot.

[4]. It transpires that the petitioner, who was originally on bail in the aforesaid case had absented from the proceedings on 16.12.2016, on account of which his bail was cancelled and non-bailable warrant of arrest was issued against him. Thereafter, when warrant of arrest remained unexecuted, a fresh non-bailable warrant of arrest was issued vide the

impugned order.

[5]. The petitioner's contention before this Court is that he was unable to appear before the Ld. Trial Court on the original date on account of his indisposition. He has filed a copy of his OPD Card issued by the Jammu & Kashmir Health Department, Jammu to support his contention.

[6]. In view of the grounds made out in the petition, the prayer of the petitioner is allowed and the operation of the impugned order passed by the Ld. Chief Judicial Magistrate, Pathankot is stayed till the next date fixed in his Court i.e. 23.11.2017. The petitioner is directed to surrender before the said Court and apply for fresh bail on or before the next date fixed.

[7]. Disposed off.

31.10.2017

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No