

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

CRM-M-37491 of 2018.

Decided on:-August 30, 2018.

Pawan Kumar alias Pammi

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: *HON'BLE MR. JUSTICE HARI PAL VERMA.*

Present:- Mr. S.S. Momi, Advocate
for the petitioner.

HARI PAL VERMA, J. (ORAL)

Through the instant petition filed under Section 482 Cr.P.C., the petitioner has impugned the order dated 20.08.2018 (Annexure P-1) passed by learned Additional Sessions Judge, Kurukshetra, whereby his bail has been cancelled and bail bonds have been forfeited to the State. In addition thereof, warrant of arrest has been issued against him.

Learned counsel for the petitioner has argued that the petitioner has been appearing before the trial Court regularly. However, on 20.08.2018, on account of his ailment, he could not appear before the Court and a request was made for exemption of his personal appearance, but the same was not accepted by the trial Court on the ground that the application was not supported by any document/evidence.

He has further argued that since the petitioner was unwell and was getting treatment from Saraswati Mission Hospital, Pehowa because of fever, he could not appear before the trial Court. Otherwise, the petitioner has been appearing before the trial Court regularly. Since at that time, the medical certificate was not in his possession, he could not place it on record along with the application. He has drawn the attention of this Court towards copy of medical certificate issued by the aforesaid hospital as Annexure P-6.

Notice of motion.

On asking of this Court, Mr. Manish Bansal, DAG, Haryana accepts notice on behalf of the respondent-State.

Let requisite number of copies of paper book be given to learned State counsel during the course of the day.

Having heard learned counsel for the parties and taking into consideration the contents of impugned order dated 20.08.2018 passed by the trial Court, it is clear that the petitioner is not in the habit of being absent from the Court and it was only on 20.08.2018, he did not appear there for which he has shown a justified reason of his ailment. The certificate (Annexure P-6) has been issued by Saraswati Mission Hospital, Pehowa, which is 100 bedded multispecialty hospital and the provisional diagnosis has been given by Dr. Sudershan Kumar (M.S.).

Therefore, the present petition is allowed and the order dated 20.08.2018 passed by learned trial Court is set aside. The petitioner is directed to appear before the trial Court on 25.09.2018 i.e. the date already fixed there.

However, the petitioner shall submit an affidavit before the trial Court that he shall keep on appearing there unless an exemption is granted.

August 30, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:

Yes

Whether Reportable:

No