

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39650-2019

Date of Decision: 03.10.2019

Nasib Singh

.....Petitioner

versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Pankaj Garg, Advocate,
for the petitioner.

Mr. Surender Singh, A.A.G., Haryana.

Respondent no. 2 is present in person.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioner seeks the quashing of the order dated 09.08.2019 (Annexure P-1) passed by the learned trial court, and further seeks a stay of proceedings as well as also stay on his arrest, during the pendency of this petition.

On 17.09.2019, the following order had been passed:-

“The complainant, Ameet Puri, is ordered to be impleaded as respondent no. 2 in the petition.

The Registry is directed to carry out the necessary corrections in the memo of parties.

Notice of motion be issued to the respondents, returnable on 03.10.2019.

*Process **dasti** also, qua respondent no. 2.*

To be shown in the urgent motion list.

In view of the fact that the petitioner is

shown to have been present before the trial Court on both the dates prior to the date that the impugned order had been passed, operation of the impugned order shall remain stayed, till the next date of hearing before this Court.”

It is made clear that if respondent no. 2 is not shown to be served by the next date of hearing, the interim order would be liable to be vacated.”

Today, learned State counsel appears, as also does the complainant, Aameet Puri, in person. (He has produced his PAN card by way of establishing his identity, showing the name on it to be Aameet Puri, son of Ramesh Chander Puri, with the card returned to him).

Upon a query put to respondent no. 2 to the effect that the petitioners' bail bonds have been ordered to be cancelled on account of non-appearance on 09.08.2019 only, with the next date of hearing before the trial Court being 21.10.2019, and therefore whether he objects to the petition being disposed of with a direction, that the petitioner is bound down by this court to appear before the trial Court, with his counsel also to appear to conduct the cross-examination (if he wishes to conduct any cross-examination at all), he (the complainant-respondent no.2) does not oppose the said direction being given.

Consequently, the petitioner having remained absent only on 09.08.2019, with an application for exemption having been made by him, with him having appeared on all dates prior thereto before the trial Court except again on 26.03.2019, on which date also he had moved an application seeking exemption which was allowed, with the complainant also stated to have filed a similar application earlier, this petition is allowed and the impugned order set aside, subject to the petitioner positively appearing before the trial Court on the next date

fixed for hearing there, i.e. 21.10.2019, and, if he wishes to cross-examine the respondent, his counsel would also positively be present to do so, failing which this petition shall be treated to have been dismissed.

October 03, 2019
nitin/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.