

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRM-M No.4646 of 2020
Date of Decision.03.02.2020**

Mohd. Faisal ...Petitioner
Vs
State of Haryana ...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Mohammad Arshad, Advocate
for the petitioner.

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JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed for setting aside the impugned order dated 08.01.2020 whereby non-bailable warrants to the petitioner have been issued for 03.03.2020 and the matter had then been kept for framing of charges.

It is contended by learned counsel appearing on behalf of the petitioner that the petitioner was appearing regularly but did not put in appearance on 08.01.2020, as he had been admitted in a government hospital on account of pain in abdomen, loose stool and vomiting with a low grade fever. He had been advised complete bed rest till 10.01.2020. It was on account of his ill-health that he did not put in appearance on the date so fixed. It is further submitted that the petitioner herein would put in appearance before the trial Court on the date fixed i.e. 03.03.2020, however, cannot do so on account of the fact that he is taking his board exam for class 10+2 in Hindi subject and, therefore, he may be permitted to put in appearance on any date earlier thereto.

I have heard learned counsel for the petitioner and have perused the OPD card that has been annexed as Annexure P-5 along with

the date sheet, which would reflect that he has to take an exam on 03.03.2020.

Without going into merits of the case and without issuing notice to the State, order dated 08.01.2020 is set aside and the instant petition is disposed of *in limine* to avoid further delay in proceedings. Arrest of the petitioner is stayed limited till 10.02.2020, on which date, he shall put in an appearance before the Additional Sessions Judge, Nuh and move an appropriate application for bail. On doing so, the petitioner shall be released on bail, subject to his furnishing bail bonds and surety bonds to its satisfaction. It is made clear that in case, the petitioner herein fails to put in appearance on the date fixed, any interim protection granted to the petitioner shall stand automatically vacated.

(JAISHREE THAKUR)
JUDGE

February 03, 2020
Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No