

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

121

CRM-M-11462-2020.

Date of Decision: 18.03.2020.

Mukesh

....Petitioner.

Versus

Devinder Singh

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. S.K. Tripathi, Advocate for the petitioner.

Lalit Batra, J.(Oral)

This is a petition under Section 482 Cr.P.C. for quashing of impugned order dated 14.02.2020 (Annexure P/4) rendered by Appellate Court, in terms of which, on account of non-appearance of petitioner (appellant therein) in the Court, after cancellation of bail bonds, his presence is being secured through warrant of arrest.

Learned counsel for the petitioner *inter alia* contends that as a matter of fact petitioner used to appear before Appellate Court on each and every date of hearing but on account of illness he could not appear in Court on 14.02.2020, which led to the passing of impugned order.

Notice to respondent No.2 only.

At the asking of Court, Mr. Kirpal Singh Thakur, Assistant Advocate General, Haryana, accepts notice on behalf of respondent No.2-State. Complete copy of paperbook has been supplied to him in Court.

A bare perusal of record of the case especially miscellaneous orders commencing w.e.f. 06.12.2019 reveals that petitioner used to appear before Appellate Court on each and every date of hearing but on account of default made at his instance on 14.02.2020 and that too on account of illness, his presence was ordered to be secured through warrant of arrest.

In view of above, instant petition is allowed. Impugned order dated 14.02.2020 (Annexure P/4) rendered by Appellate Court is set aside and resultantly, petitioner is directed to surrender before Appellate Court within ten (10) days positively from today and on surrender, he shall be admitted to bail on his furnishing fresh personal/surety bonds to the satisfaction of Appellate Court. However, it is made clear that Appellate Court is at liberty to initiate proceedings under Section 446 Cr.P.C. against the petitioner in accordance with law. Meanwhile, no coercive steps shall be initiated against the petitioner in pursuant to warrant of arrest already issued against him by Appellate Court.

(LALIT BATRA)
JUDGE

18.03.2020

jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No