

225 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44633 of 2021
Date of Decision: 01.12.2021

Johny alias John

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

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

Mr. Rajat Gautam, DAG, Haryana.

ANOOP CHITKARA, J.(ORAL)

1. Learned counsel for the petitioner submits that the petitioner has complied with the order dated 29.11.2021 and has appeared before the learned trial Court on 30.11.2021. Photocopy of the order dated 30.11.2021 of learned trial Court has been handed over by him, which is taken on record.

2. The limited prayer for which the petitioner has come up before this Court is for setting aside the impugned order dated 23.09.2021 (Annexure P-2) vide which due to absence of the accused (petitioner), non bailable warrants were issued against him.

3. A perusal of the order dated 23.09.2021 reveals that on the said date, witnesses were present in the Court but they could not be examined due to the absence of the accused/petitioner.

4. Faced with this situation, the Court was left to no option but to issue non-bailable warrants against the accused/petitioner.

5. The petitioner has shown his *bona fide* by appearing before the concerned Court as was directed vide order dated 29.11.2021.

6. The explanation offered by the petitioner for his absence is that on that day the petitioner was having calculus in the left kidney measuring 102 x 53 mm and shows a calculus of 4.9 mm at upper pole. Because of this stone in the kidney, the petitioner had acute pain and he could not appear before the concerned Court and he has corroborated such statement vide Annexure P-3.

7. Be that as it may, this Court is inclined to grant one opportunity to the petitioner to appear before the concerned Court.

8. Consequently, the present petition is allowed and the impugned order dated 23.09.2021 (Annexure P-2) is set aside. The accused is directed to appear before the concerned Court on 05.01.2022 and also on all other subsequent dated as fixed by the Court till the completion of the trial. Bail bonds furnished by the petitioner stands restored.

Petition **allowed**.

(ANOOP CHITKARA)
JUDGE

December 01, 2021
Manpreet

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No