

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-45803-2021

Date of Decision: 02.11.2021

Bhupinder Singh Sawhney and another

.... Petitioners

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Manish Soni, Advocate for the petitioners.

Mr. Saurabh Girdhar, AAG, Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

Through this petition under Section 482 Cr.P.C., prayer has been made for setting aside impugned order dated 24.09.2021 (Annexure P-6) of the learned Additional Sessions Judge, Gurugram, in Criminal Appeal No. 384 of 2017 dated 25.08.2017, Bhupinder Singh and others Vs. State of Haryana and another, preferred by the petitioners against the judgment of conviction dated 20.07.2017 and order of sentence dated 27.07.2017 (Annexure P-2) in Criminal Complaint bearing No. NACT/22389/2013 dated 21.12.2010 under Section 138 of the Negotiable Instruments Act, 1881, whereby the application (Annexure P-4) moved by the petitioners seeking exemption from personal appearance on 24.09.2021, was dismissed and bail granted to them was cancelled, as a result thereof, non-bailable warrants have been issued against the petitioner on account of default of appearance on the

said date.

Learned counsel for the petitioner *inter alia* contends that the Ist Appellate Court, has wrongly dismissed the application of the petitioners seeking exemption from their personal appearance. Absence of the petitioners before the Ist Appellate Court was neither intentional nor deliberate but due to the fact that they were suffering from fever and viral disease, respectively and not in a position to attend the Court. Next date before the trial Court is stated to be 18.11.2021.

Notice of motion.

On the asking of Court, Mr. Saurabh Girdhar, AAG, Haryana, accepts notice on behalf of respondent No. 1-State.

Considering the overall facts and circumstances, but without commenting any expression of opinion on the merits of case, petitioners are directed to appear before the Ist Appellate Court, on the date already fixed before it i.e. 18.11.2021, failing which, the instant petition shall be deemed to have been dismissed. In case, the petitioners, namely; Bhupinder Singh Sawhney and Gurmeet Singh Sawhney, move an application for bail, the same shall be decided, within 7 days of its filing.

In the meanwhile, impugned order dated 24.09.2021 (Annexure P-6), shall be kept in abeyance.

The instant petition stands disposed of, accordingly.

November 02, 2021

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**(ASHOK KUMAR VERMA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No