

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M No. 15244 of 2022
Date of Decision: 08.04.2022**

Rajbahadar Singh
..... Petitioner

Versus

State of Punjab and another
..... Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Arjinder Singh Sidhu, Advocate for the petitioner.
Ms. Bhavna Gupta, Deputy Advocate General, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. Since, the petitioner is ready and willing to make his personal appearance before the learned Appellate Court concerned, as and when, Criminal Appeal bearing CRA/60/2021 becomes listed, before it, and, also when on the relevant date(s) the criminal appeal, as, directed against the verdict of conviction, may become dismissed, whereafter alone, rather the personal presence of the convict for his being heard on the quantum of sentence, hence is required, and, obviously not during its pendency.
2. Therefore, when on the relevant date, the apposite criminal appeal was not listed for any efficacious purpose, and, though then the personal appearance of the accused became not exempted. Consequently, yet the insistence, as, made by the learned Appellate Court concerned, for the personal appearance of the accused, and, upon, his absenting before the learned Appellate Court concerned, rather leading the latter to order for the issuance of non-bailable warrants upon the convict, hence makes the order for issuance of non-bailable warrants, to be vitiated. Therefore, if they are not issued already, they be not issued, and, if issued, be recalled forthwith.
3. Disposed of.

April 08, 2022

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**(SURESHWAR THAKUR)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>