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

CRM-M-23498-2022

Date of decision: 27.05.2022

ANUJ ALIAS BHOLA

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Monty Goyal, Advocate
for the petitioner.

Mr. Pradeep Prakash Chahar, DAG, Haryana

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner becomes aggrieved from an order, made on 17.05.2022 (Annexure P-2), by the learned trial Judge concerned. The above grievance becomes nursed from the factum of his presence being ensured to be made before him, through the issuance of warrants of arrest. Obviously, if the warrants of arrest are executed, thereupon the personal liberty of the petitioner would become fettered.

2. Though, the accused was to make his regular appearances before the learned trial Judge concerned, unless he became granted valid exemptions, and, also was required to be making his regular personal appearances, for facing trial before the learned trial Judge concerned, may be excepting those dates, when non-efficacious proceedings became drawn by the learned trial Judge concerned.

3. The learned State counsel submits, that despite the opening of trial in respect of the petition FIR against the accused, and, also when on the relevant dates, the prosecution witnesses had caused their appearances before the learned

Magistrate concerned, yet they could not be examined, as without any valid exemption being granted to the petitioner, he did not cause his personal appearance before the learned Magistrate concerned, if so, this Court would not be led to annul the impugned order. However, believing the statement made at the bar, by the learned counsel for the petitioner, that he had made a communication to his counsel for moving an application, for his becoming exempted from his personal appearance, before the learned trial Judge concerned, and, that the above communication became not dealt with by his validly engaged counsel.

4. Therefore, this Court, for preserving the liberty of the present petitioner, is constrained to annul the impugned order of 17.05.2022 (Annexure P-2). Consequently the present petition is allowed, and, with a further direction, that if the NBWs are not issued, they be not issued, and, if issued, they be recalled forthwith.

27.05.2022

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(SURESHWAR THAKUR)
JUDGE

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