

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

123

CRM-M-49105-2022 (O&M)
Date of Decision: October 21, 2022

Dharmendra Gada

.....Petitioner(s)

Vs.

State of Haryana and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Saurabh Dalal, Advocate for the petitioner(s)

Mr. Manish Bansal, DAG, Haryana

ANOOP CHITKARA J. (ORAL)

CRM-40046-2022

Allowed as prayed for.

CRM-M-49105-2022

The present petition has been filed under Section 482 Cr.P.C. for quashing of impugned order dated 13.09.2022 passed by learned ASJ, Gurugram in Case No.CRA/194/2022 titled as “*Jinaam Fashion World and others Versus Mr. Gian P.Kumar*”.

Petitioner's counsel contends that the present petition is squarely covered by decision passed by this Court vide order dated 28.09.2022 in **CRM-M-45136-2022**.

The nature of order this Court proposes to pass, no prejudice is going to be caused to the respondents, as such, no notice is required to be issued to the respondents.

Vide order dated 13.09.2022, the Appellate Court did not extend the sentence already suspended by the trial Court for the reasons that the petitioner did not surrender before it.

Learned counsel for the petitioner submits that the mistake was bona fide and due to mis-communication on the part of the counsel.

Be that as it may, since the wrong date of hearing has been note down, as such, the present petition is allowed and impugned order dated 13.09.2022 is set aside subject to the condition that the petitioner will appear before the concerned Court on or before 31.10.2022 on which date, he shall also file an application for suspension of sentence and in case, he complies with the condition of such application, the sentence shall be suspended.

**(ANOOP CHITKARA)
JUDGE**

October 21, 2022

SONIA ARORA
2022.10.21 14:26
I attest to the accuracy and
integrity of this document

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Whether speaking/reasoned:

Yes/No

Whether reportable:

No