

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

**CRM-M-2430-2023
DECIDED ON: 17.01.2023**

NIRMAL SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Deepak Kohli, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

Learned counsel for the petitioner contends that the case was fixed on 24.05.2022 and since the petitioner was not well, he moved an application for exemption as he was undergoing treatment for acute depression and other neurological problems. The Court below granted him exemption vide order dated 24.05.2022 itself and adjourned the case to 27.07.2022. However, due to the communication gap between the petitioner and his counsel representing him before the trial Court, the next date was wrongly noted as 27.08.2022.

Learned counsel for the petitioner asserts that on this account, he could not appear on the date stipulated i.e., 27.07.2022.

Notice of motion.

On the asking of Court, Mr. Gagandeep Singh Chhina, AAG, Haryana accepts notice and could not controvert the fact of absence of the petitioner merely on one occasion i.e., 27.07.2022 and the exemption granted

by the Court below on 24.05.2022.

Considering the aforesaid facts, this Court is fully convinced and is of the view that the absence of the petitioner was neither intentional nor deliberate rather it occurred because of lack of communication between the petitioner and his respective counsel. It is evident from the statement of the petitioner that he is ready and willing to surrender and will fully cooperate in the proceedings of trial.

Keeping in view of the aforesaid submissions and the undertaking given by the petitioner, order dated 27.07.2022 (Annexure P-1) is hereby quashed subject to the condition that the petitioner will surrender before the Court on 19.01.2023 and in case any such application for bail is filed by the petitioner, the same shall be considered by the Court below expeditiously in accordance with law.

Disposed off.

(SANDEEP MOUDGIL)
JUDGE

17.01.2023

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>