

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

CRM-M-31510 of 2023

Date of decision: 3rd July, 2023

Balwan Singh @ Chintu

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Pawan Attri, Advocate for the petitioner.
Mr. Rajiv Goel, DAG, Haryana.

AVNEESH JHINGAN, J (Oral):

1. This petition under Section 482 Cr.P.C. is filed seeking quashing of order dated 3.5.2023 whereby the bail of the petitioner was cancelled and non-bailable warrants were issued.
2. The petitioner is an accused in FIR No. 142 dated 6.11.2016, under Sections 148, 149, 323, 324, 307 and 506 IPC, registered at Police Station Shahzadpur, District Ambala and was granted regular bail. On 3.5.2023, the petitioner failed to appear before the trial court and his bail was cancelled and non-bailable warrants were issued.
3. Learned counsel for the petitioner submits that the petitioner had moved an application for exempting the personal appearance as he was admitted in Civil Hospital, Panchkula on 2.5.2023 and was discharged on 5.5.2023.
4. Notice of motion.
5. Mr. Rajiv Goel, DAG, Haryana appears on advance notice. On instructions from SI-Parmod Singh he is not disputing the fact that application for exemption from personal appearance was filed by the petitioner and without deciding the application, the bail was cancelled.
6. From the perusal of the impugned order, it is evident that an

application for exemption from personal appearance was filed and it has also been noted that the counsel for the petitioner was not present at the time when the application was taken up by the court concerned.

7. Law is well settled that client should not be made to suffer due to conduct of his counsel.

8. There is reasonable cause for non-presence of the petitioner on the said date as he was admitted in the hospital.

9. Having conspectus of the facts, the impugned order is set aside. The petitioner is directed to appear before the trial court on the date fixed before the trial court. The court shall be at liberty to impose such conditions as deemed necessary to ensure presence of the petitioner during trial.

10. The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

3rd July, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |