

(294)

2023:PHHC:090080

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32111 of 2023

Date of Decision: July 18, 2023

Hem Singh Bharana

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Rajesh Sethi, Advocate, Mr. Paramdeep Singh,
Advocate, Mr. Arun Biriwal, Advocate, Mr. Schin
Bansal, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C is to
quash order dated 20.04.2023 (Annexure P.4) whereby learned Additional
Sessions Judge, Gurugram dismissed the Criminal Appeal No.258 of
2023, titled Hem Singh Bharana Vs. State of Haryana, in default.

It is contended by learned counsel for the petitioner that
petitioner was convicted under Section 174A IPC in a case arising out of
FIR No.1214 dated 19.12.2018 registered at Police Station Shivaji Nagar,
Gurugram vide judgment dated 10.04.2023.

Against the said judgment of conviction, petitioner filed
appeal on 20.04.2023. Copy of appeal is Annexure P.3. The same was
assigned to the Court of learned Additional Sessions Judge on the same
day, i.e. 20.04.2023. Due to non appearance of anybody on behalf of the
appellant before the Court on 20.04.2023, the same was dismissed in
default.

Learned counsel for the petitioner has relied upon **Bani Singh Vs. State of U.P.,** as per which the criminal appeal cannot be dismissed in default for want of prosecution and the same is required to be disposed of on merits.

In view of the above, impugned order dated 20.04.2023 is hereby set aside. The concerned Appellate Court is hereby directed to restore the appeal to its original number and dispose of the same on merits, in accordance with law.

Appellant through his counsel is directed to appear before the Appellate Court on or before 11.08.2023.

Disposed of.

July 18, 2023

renu

(DEEPAK GUPTA)
JUDGE

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