

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

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CRM-M-57048-2023
Date of Decision:-14.11.2023

Sanjeev Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Ashish Nagar, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab.

ALOK JAIN, J. (Oral)

1. The present petition has been filed *inter alia* praying for setting aside the order dated 11.08.2023 (Annexure P-1), whereby, the Appellate Court has cancelled the bail granted to the petitioner and have summoned him through non-bailable warrants for 18.09.2023.

2. Since, those non-bailable warrants could not be executed and now the matter is fixed for execution of non-bailable warrants for 18.11.2023.

3. Learned counsel for the petitioner has submitted that the absence of the petitioner was absolutely unintentional and he was suffering from medical exigency and relies upon Annexures P-4 and P-5.

4. Learned State counsel has vehemently opposed the present petition on the ground that the petitioner has absented himself not only on the date of the impugned order but on two earlier occasions but he did not

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even file the said medical certificates alongwith his exemption application, hence, Annexures P-4 and P-5 cannot be relied upon, more so, the same have been issued by a clinical laboratory and its veracity is extremely doubtful.

5. Heard learned counsel for the petitioner as well as learned State counsel and considering the fact that issuance of notice to the private respondents shall only procrastinate the appeal which is not in the interest of justice.

6. Although, there is no infirmity in the order passed by the Court below, however, purely in the interest of justice, the present petition stands disposed of with a direction to the petitioner to appear before the Appellate Court on **18.11.2023** at **11:00 AM**.

7. In case, the petitioner appears and surrenders before the Appellate Court, he shall be admitted to fresh bail by the Court concerned. However, this concession is subject to cost of Rs.5,000/- to be paid by the petitioner to the complainant on the said date.

(ALOK JAIN)
JUDGE

14.11.2023

Parul

Whether speaking/reasoned:-
Whether Reportable:-

Yes/No
Yes/No