

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.61113 of 2023
Date of decision: 05.12.2023

Akshay Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Ramandeep, Advocate,
for the petitioner.

MANISHA BATRA, J.

1. The petitioner is seeking quashing of order dated 10.08.2023 passed by the Court of learned Additional Sessions Judge, Patiala in case bearing CIS No.SC/258 of 2021 titled as *State of Punjab v. Askshay Kumar*, whereby the bail of the present petitioner was cancelled, his bonds were forfeited to the State and non-bailable warrants were ordered to be issued against him, as well as quashing of the subsequent order dated 24.11.2023 whereby proceedings under Section 82 of Cr.P.C. were ordered to be initiated against him. He is facing trial for commission of offence punishable under Sections 363 and 366-A of IPC in case bearing

FIR No.15 dated 13.02.2021 registered at Police Station Sadar Rajpura, District Patiala. It is submitted by his counsel that as on 10.08.2023, he could not appear before the learned trial Court due to the reason that he was suffering from dengue at that time and was undergoing treatment in hospital. He had intimated about this fact to his counsel who was representing him before the trial Court but no application for exempting his personal appearance had been filed by his counsel which resulted in passing of the impugned orders.

2. Learned counsel for the petitioner has submitted that his absence was neither intentional nor willful but on account of his illness. Therefore, it is urged that the impugned order may be set aside.

3. Along with the petition, the petitioner has annexed a copy of certificate issued by Dr. D.D. Singh, Manwal Clinic, Saharanpur on 08.08.2023 mentioning that the petitioner was suffering from Dengue Fever and was advised to take complete bed rest. Copies of the orders passed by the learned trial Court from the stage of framing of charge have also been placed on record which reveal that the petitioner had been regularly appearing before it till 10.08.2023. The circumstances as reflected from the documents placed on record reveal that the absence of the petitioner from the learned trial Court on 10.08.2023 and on the subsequent dates of hearing was not intentional or willful but was due to the circumstances as explained above. As such, a direction is given to the petitioner to surrender before the learned trial Court on or before 11.12.2023 and on his doing so, the learned trial Court is directed to

admit him to bail subject to furnishing bonds by the petitioner to the satisfaction of learned trial Court.

4. The petition stands disposed of.

05.12.2023

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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No