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

CRM-M-10571-2024

Date of decision: 28.02.2024

Satish

...Petitioner

Versus

State of Haryana and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ajay Kumar Dahiya, Advocate for the petitioner.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 482 Cr.P.C seeking quashing of order dated 13.12.2023 (Annexure P-7) passed by the Court of Additional Sessions Judge, Sonapat in CRA-342-2019 titled as Satish Vs. Deshraj whereby the application filed by the petitioner seeking exemption from personal appearance before the Appellate Court on account of medical condition was declined and bail bonds and surety bonds of the petitioner were cancelled and petitioner was directed to be summoned through nonailable warrants of arrest.

2. Counsel for the petitioner submits that the absence of the petitioner on the date fixed before the Appellate Court was not intentional and actually at the relevant time, the petitioner was suffering from Dengue and was not in a position to appear before the said Court as he is resident of Alwar, Rajasthan. It is further submitted that the Appellate Court passed the impugned order in a hasty manner without taking into consideration the

genuine cause pleaded on behalf of the petitioner by his counsel with regard to his absence on the date fixed. Counsel for the petitioner further submits that even on the last date of hearing i.e. 28.11.2023, the petitioner did not appear before the Appellate Court due to medical problem but on that date, the application filed by the petitioner seeking exemption from his personal appearance was allowed. Counsel for the petitioner further submits that the petitioner is interested in disposal of his appeal and is having no intention to delay the proceedings in the said appeal and is ready to join the proceedings before the Appellate Court concerned at the earliest.

3. Admittedly, the offence under Section 138 NI Act is bailable offence.

4. In view of the above, without expressing any opinion on the merits of the case and without issuance of notice to the other party and in order to avoid any further delay in disposal of appeal, the present petition is hereby disposed of with direction to petitioner to appear before the Appellate Court concerned on or before the next date of hearing and on his doing so, the petitioner is to be released on regular bail by the said Court to its own satisfaction subject to costs of Rs.3,000/- to be deposited by the petitioner with the District Legal Services Authority concerned.

5. The present petition is disposed of in aforesaid terms.

28.02.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No