



CRM-A-80-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-A-80-2023 (O&M)

Date of Decision: 17.12.2024

Kuldeep Singh

...Applicant

Versus

Bhupinder Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vaibhav Sehgal, Advocate
for the applicant.

Mr. J.S. Dadwal, Advocate
for the respondent.

ANOOP CHITKARA, J.

CRM-48686-2024

For the reasons mentioned in the application, the same is allowed and the accompanying reply is taken on record, subject to all just exceptions.

Main case

1. Aggrieved by dismissal of complaint in default which amounts to acquittal, the complainant has come up before this Court by filing the present leave to appeal under Section 378(4) CrPC.
2. Counsel for the complainant submits that non-appearance was because the complainant was indisposed and earlier he was appearing.
3. Counsel for accused submits that the case is at the stage of defence evidence and they are appearing on each and every date and they will unnecessarily suffer.
4. In the entirety of facts and circumstances of the case, the present leave to appeal is allowed. All pending applications, if any also stands disposed. Impugned order dated 12.04.2022 is quashed and set aside subject to the following conditions and observations:-



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- i) applicant shall deposit an amount of Rs.5000/- to PGI Poor Patient Welfare Fund, Chandigarh on or before 13.01.2025.
- ii) in case accused files an application for personal exemption, the trial Court shall grant same except when presence of the accused would be essential in the opinion of the trial Court.
- iii) complainant shall not seek any unnecessary adjournment and shall remain present.

(ANOOP CHITKARA)
JUDGE

17.12.2024
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.