

2024:PHHC:029280

281 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52570-2022

Date of Decision : February 29, 2024

SushilPetitioner

Vs.

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: None for the petitioner.

Mr. Mohit Saroha, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

On 15.11.2022, the following order was passed :-

“Petitioner assails order dated 17.9.2022 (Annexure P-1) passed by learned Chief Judicial Magistrate, Panipat, vide which the trial Court while dismissing an application moved on behalf of the petitioner seeking his exemption from personal appearance has ordered for issuance of arrest warrants against the petitioner.

Learned counsel for the petitioner submits that his absence before the trial Court as on 17.9.2022 was not intentional but was on account of the fact that he had been shot at on 3.9.2022 in respect of which FIR No. 232, dated 3.9.2022, Police Station PGI, Rohtak, came to be lodged and he was still apprehending another attack upon him.

Notice of motion for 13.4.2023.

In the meantime, the petitioner is directed to surrender before the learned trial Court within a week

from today. Upon surrender of the petitioner within one week, the trial Court shall release him on interim bail subject to his furnishing bail bonds and surety bonds to its satisfaction.

The petitioner is however, directed to place on record FIR No. 232 dated 3.9.2022 and also a copy of the application moved by him seeking his exemption on 3.9.2022 before the trial Court.”

Thereafter, the matter was adjourned for time to time and on 09.11.2023, the following was passed :-

“On 15.11.2022 the following order was passed:-

“ Petitioner assails order dated 17.9.2022 (Annexure P-1) passed by learned Chief Judicial Magistrate, Panipat, vide which the trial Court while dismissing an application moved on behalf of the petitioner seeking his exemption from personal appearance has ordered for issuance of arrest warrants against the petitioner.

Learned counsel for the petitioner submits that his absence before the trial Court as on 17.9.2022 was not intentional but was on account of the fact that he had been shot at on 3.9.2022 in respect of which FIR No. 232, dated 3.9.2022, Police Station PGI, Rohtak, came to be lodged and he was still apprehending another attack upon him.

Notice of motion for 13.4.2023.

In the meantime, the petitioner is directed to surrender before the learned trial Court within a week from today. Upon surrender of the petitioner within one week, the trial Court shall release him on interim bail subject to his furnishing bail bonds and surety bonds to its satisfaction.

The petitioner is however, directed to place on record FIR No. 232 dated 3.9.2022 and also a copy of the application moved by him seeking his exemption on 3.9.2022 before the trial Court.”

This matter was adjourned from time to time and on 07.11.2023 the counsel for the petitioner was asked to place on record the orders showing that the petitioner had surrendered in deference to the aforementioned order. However, an adjournment was sought.

Today once again none has put in appearance on behalf of the petitioner.

In view of the above, the interim order dated 15.11.2022 stands vacated. T

The Trial Court is free to proceed with the matter in accordance with law. Intimation be sent to the Superintendent of Police, Panipat for necessary compliance.

Adjourned to 29.02.2024.”

Once again, none has put in appearance on behalf of the petitioner.

In view of the above, the present petition is dismissed for non-prosecution.

The intimation in this regard be sent to the Superintendent of Police, Panipat for necessary compliance

February 29, 2024
satish

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : YES / NO

Whether reportable : YES / NO