



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

**CRM-M-307-2025 (O&M)
Date of Decision:10.01.2025**

Vikas Malu

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Bipan Ghai, Sr. Advocate with
Mr. Tushan Rawal, Advocate,
Mr. Saud Khan, Advocate
Mr. Shivaj Berry, Advocate
Mr. Nikhil Ghai, Advocate and
Mr. Nishant Yadav, Advocate
for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

Mr. Manvinder Singh Dalal, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 528 of B.N.S.S with a prayer to quash the impugned order dated 16.12.2024 (Annexure P-1) passed by the Court of JMIC, Ferozpur Jhirka, in case arising out of FIR No.159, dated 22.08.2023, under Sections 279,337,304-A of IPC, registered at Police Station Nagina, District Nuh, Haryana.

2. Learned senior counsel for the petitioner contends that a false case i.e. FIR No.159, dated 22.08.2023, under Sections 279,337,304-A of IPC, Police Station Nagina, District Nuh was ordered to be registered against the petitioner. The petitioner had surrendered before the Court and was admitted to bail.

The case was listed before the Trial Court on 16.12.2024 and an

application for exemption from personal appearance was filed by his counsel. The said application was accompanied by a medical certificate, which was issued by a hospital showing that the petitioner was operated for total hip replacement surgery of right hip and inter nail fixation of radio-ulnar fracture left forearm in August and September 2023. Even, he fell down due to slippery surface on 15.11.2024 and the pain was radiating to both lower limbs. He was advised symptomatic treatment and complete bed rest for eight weeks. Learned senior counsel further submits that due to the said medical condition, the petitioner could not appear before the Trial Court and the Trial Court had wrongly rejected the prayer for exemption from personal appearance. He further submits that in an exceptional hurry the bail of the petitioner was cancelled and the bail bonds/surety bonds were ordered to be forfeited to the State and the petitioner was ordered to be summoned through non-bailable warrants of arrest. He further contends that even at present, the petitioner is completely bed ridden in Sharjah, UAE and is unable to travel India.

3. Notice of motion.

4. Ms. Sheenu Sura, Deputy Advocate General, Haryana, who is present in the Court, accepts notice on behalf of respondent-State.

5. Learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner is evading the process of law and had intentionally not appeared before the Trial Court.

6. On the other hand learned counsel appearing on behalf of complainant submits that the matter has been amicably resolved between the parties and he has no objection, in case, the present petition is allowed and the petitioner is granted sufficient time to appear before the Trial Court.

7. I have heard the learned counsel for the parties and perused the record.

8. From the record, it is evident that the trial was pending before the Court of Judicial Magistrate Ist Class, Ferozepur Jhirka and the petitioner was appearing in the said trial. However, on 16.12.2024 his counsel had moved an application and the medical record was also placed before the Trial Court. However, the Trial Court has wrongly rejected the prayer for grant of exemption from personal appearance. Consequently, the impugned order dated 16.12.2024, passed by the Court of Judicial Magistrate Ist Class, Ferozepur Jhirka is set aside and the petitioner is permitted to appearing before the Trial Court/Duty Magistrate within a period of six weeks from today and on his appearance, he shall be admitted to bail subject to furnishing bail bonds and surety to the satisfaction of the concerned Court.

9. The Trial Court/Duty Magistrate shall also be at liberty to impose any other conditions, as it deems fit in the peculiar facts and circumstances of case.

10. The petition stands allowed in the above terms.

11. Pending application(s), if any, stand(s), disposed of, accordingly.

(N.S.SHEKHAWAT)
JUDGE

10.01.2025
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No