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

**CRR-1164-2022 (O&M)**

**Date of Decision: 27.01.2025**

**Baldev Singh**

....Petitioner

Versus

**State of Haryana and another**

.....Respondent

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Mr. Priyavrat Prashar, Advocate, for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

Mr. A.S. Sidhu, Advocate, for respondent No.2.

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**JASGURPREET SINGH PURI, J. (Oral)**

1. The present revision petition has been filed impugning the order dated 01.08.2019 passed by learned Additional Sessions Judge, Guhla vide which criminal appeal under Section 378 Cr.P.C filed against the order dated 03.04.2018 passed by learned Sub Divisional Judicial Magistrate, Guhla has been dismissed for non-prosecution.

2. Learned counsel appearing on behalf of the petitioner submitted that against the order of acquittal, the petitioner/complainant had filed an appeal under Section 378 Cr.P.C before learned Lower Appellate Court but the same has been dismissed for non-prosecution on 01.08.2019 on the ground that the case was called several times but nobody had appeared on behalf of the appellant/complainant. He submitted that in fact the reason for non-appearance on that day was because of the call given by the Bar

Association for abstaining from work regarding which he referred to



Annexure P-3. He submitted that acute prejudice will be caused to the petitioner in case the appeal is not heard on merits.

3. On the other hand, Mr. Vishal Kashyap, learned DAG, Haryana and Mr. A.S. Sidhu, learned counsel appearing on behalf of respondent No.2 have submitted that there is no dispute that on the day on which the appeal was dismissed for non-prosecution i.e. 01.08.2019, there was a call by the Bar Association for abstaining from work.

4. After hearing the learned counsel for the parties, this Court is of the considered view that it will be in the interest of justice and to avoid any prejudice to the parties, the present revision petition is allowed. The impugned order dated 01.08.2019 is hereby set aside. The Appellate Court is directed to decide the appeal on merits.

27.01.2025

*rakesh*

(JASGURPREET SINGH PURI)  
JUDGE

|                    |   |        |
|--------------------|---|--------|
| Whether speaking   | : | Yes/No |
| Whether reportable | : | Yes/No |