

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

(120)

CRM-M-31129-2015

Decided on: September 15, 2015.

Yash Pal

.... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Mukesh Yadav, Advocate, for the petitioner.

M.M.S. BEDI, J (ORAL)

Petitioner is facing trial in proceedings under Section 376 IPC. The case was fixed for evidence on 25.08.2015 and 26.08.2015. On 25.08.2015, in the exercise of powers under Section 273 Cr.P.C., the trial Court appears to have exempted the personal appearance of the petitioner and examined the formal witnesses. The witnesses were also cross-examined by the counsel for the petitioner.

On 26.08.2015, a similar application for dispensing with the personal appearance was dismissed resulting in cancellation of the bail bonds/surety bonds.

Next date of hearing before the trial Court is stated to be 21.09.2015.

Learned counsel for the petitioner relies upon OPD card and discharge slip Annexures P-2 and P-3.

Notice of motion to Advocate General Haryana.

On asking of the Court, Mr. C.S. Bakshi, Addl. A.G., Haryana, present in the Court accepts notice.

I have gone through the prescriptions and the documents which do not clearly indicate the reasonable grounds for non-appearance on 26.08.2015 but without entering into the reasons for non-appearance on 26.08.2015, giving a benefit of doubt to the petitioner, in the interest of justice and expeditious disposal of the trial, the order dated 26.08.2015 refusing to exempt the personal appearance of the petitioner and cancelling the bail bonds/surety bonds is hereby set aside. Petitioner is directed to put in appearance before the trial Court on 21.09.2015. He will be deemed to be on bail against the bail bonds/surety bonds already furnished by him prior to the dated 26.08.2015. Non-bailable warrants, if any, issued against the petitioner will remain inoperative till 21.09.2015.

The petition is allowed in the above terms.

It is made clear that in case the petitioner does not appear before the trial Court on 21.09.2015, this petition will be deemed to have been dismissed.

(M.M.S. BEDI)
JUDGE

September 15, 2015
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