

CRM-M-37784-2015 (O&M)

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

**CRM-M-37784-2015 (O&M).
Decided on: November 5, 2015.**

Ram Niwas

..... Petitioner(s)

Versus

State of Haryana

..... Respondent(s)

*** * ***

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

**PRESENT Mr.R.N.Lohan, Advocate,
for the petitioner.**

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

Vide order dated 29.10.2015, the application filed by the petitioner for exemption from personal appearance on medical ground has been dismissed. It appears that the case is at the stage of arguments on charges. The trial Court could have exempted the personal appearance of the petitioner on medical ground on 29.10.2015 and heard arguments on charges and could have fixed a date for framing of charges or discharge of the accused on 29.10.2015 but on account of absence of the petitioner the Court was handicapped to frame charges on that very day.

Notice of motion to the Advocate General, Haryana.

On asking of the Court, notice has been accepted by Mr.Rahul Mohan, DAG., Haryana, present in the Court. Copy

given.

Taking into consideration the alleged ailment of the petitioner this Court is of the opinion that an opportunity can be given to him to appear before the Court on the date fixed i.e. 23.11.2015 without expression of any opinion whether the petitioner is suffering from any curable or incurable psychological disorder. It is observed that no illegality has been committed by the learned Additional Sessions Judge while passing the order dated 29.10.2015.

In the interest of justice, in order to give a fair opportunity to the petitioner to appear before the trial Court as I am satisfied that the petitioner is not even able to move or appear in the Court under medication, this petition is allowed. Order dated 29.10.2015, is set aside. The petitioner will be deemed to be on bail against the bail bonds and surety bonds already furnished by him subject to the condition that he will appear before the trial Court on 23.11.2015. This order can be complied with by the petitioner under medical assistance or by any other medical aid. It will be open to the trial Court to adopt the future course depending upon the condition and conduct of the petitioner in accordance with law.

November 5, 2015.
rka

(M.M.S. BEDI)
JUDGE