

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

CRM M-7984 of 2015

Date of Decision : April 01, 2015

Harmesh Singh

.....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE T.P.S. MANN

Present : Mr. R.K.Arya, Advocate
for the petitioner.

T.P.S. MANN, J.(Oral)

Though the petition has been filed seeking quashing of order dated 23.2.2015 passed by the trial Court while declining the application under Section 318 Cr.P.C. moved at the instance of the petitioner yet the learned counsel representing him submits that his client shall be satisfied if his personal appearance before the trial Court is exempted during the trial of the case.

Notice of motion.

Mr. Vikram Bishnoi, Asstt. A.G., Punjab, accepts notice.

Mr. G.S.Simble, Advocate also puts in appearance on behalf of the complainant.

The petitioner claims that since the day of the occurrence, he is practically in coma and bed ridden. He is not able to walk, speak or perform routine chores of life. The doctors, who were members of the Medical Board, have already declared the petitioner 100% disabled on account of permanent physical impairment in

relation to his other parts of the body. It is submitted that in relation to the same occurrence, both the parties are facing trial. The petitioner is one of the accused, who is facing trial for the offences under Sections 308, 326, 325 and 34 IPC. On account of the disability suffered by the petitioner, it would be next to impossible for him to appear before the trial Court on each and every date of hearing. Pleading that the petitioner would put in appearance before the trial Court as and when required by the trial Court for any specific purpose, learned counsel representing him submits that his personal appearance before the trial Court may be exempted.

Learned State counsel as well as learned counsel for the complainant have opposed the prayer made on behalf of the petitioner.

Having heard learned counsel for the parties and keeping in view the ill-health of the petitioner as indicated in the certificates Annexures P-2 and P-5, this Court is of the considered view that the personal appearance of the petitioner before the trial Court can be exempted.

Resultantly, the petition is disposed of with a direction to the trial Court to exempt the personal appearance of the petitioner after imposing necessary conditions, as deemed fit.

April 01, 2015
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(T.P.S. MANN)
JUDGE