

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

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CRM-M-10475-2016

Date of Decision: March 22, 2016

SUKHWINDER SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

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

Present: Mr.Harchand Singh Batth, Advocate for the petitioner.

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

During the pendency of the trial the petitioner absented on 25.2.2016. An application filed for exemption from personal appearance on the said date was dismissed disbelieving that death had occurred in the relations of the petitioner.

Notice of motion to the Advocate General, Punjab. On asking of the Court, notice has been accepted by Mr.K.S.Pannu, DAG, Punjab present in the Court. Copy supplied.

In the interest of justice for expeditious disposal of trial, I have opted to dispose of this petition in limine. The petitioner has been earlier found innocent. After having been summoned under Section 319 of the Code of Criminal Procedure, he had been facing trial. It appears that the trial Court has adopted a harsh approach in declining the relief of exemption from personal appearance. It appears that three prosecution witnesses were present on 25.2.2016.

Without entering into controversy regarding reasonableness of the cause of non-appearance, I dispose of this petition with a direction that petitioner will appear before the trial Court on the next date of hearing i.e. 29.3.2016. He will offer to pay a cost of Rs.1,000/- each to

all the witnesses, who were present on 25.2.2016, as cost of adjournment, as per provisions of Section 309 Explanation 2 of the Code of Criminal Procedure. In case of petitioner appearing in the Court on 29.3.2016, he will be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial court. In case the witnesses are not present on the said date, the amount offered by the petitioner will be paid to the witnesses before their examination.

March 22, 2016
TSG

(M.M.S.BEDI)
JUDGE