

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-31258 of 2016
Date of Decision: September 6, 2016

Navjot Singh @ Navi

.....Petitioner

Vs.

State of Punjab

.....Respondent

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

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Present:- Mr.A.S. Jawandha, Advocate for the petitioner.

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

After having absented on August 1, 2016, during the pendency of trial, the bail bonds furnished by the petitioner have been cancelled.

Counsel for the petitioner submits that on account of ill health as per the certificate annexure P-4 dated August 10, 2016, the petitioner had a reasonable cause for non-appearance on August 1, 2016 and on subsequent dates.

Counsel for the petitioner submits that Shish Pal and Santokh Singh PWs, were present for cross-examination on August 1, 2016, the day the petitioner absented.

Without expression of any opinion regarding the authenticity of the sickness placed on the record as annexure P-4, I am of the opinion that in the interest of expeditious disposal of the trial, taking into consideration the inconvenience caused to the two PWs who were present for cross-

examination, the petitioner may be given an opportunity to appear before the Court for enabling him to face trial.

Notice to Advocate General, Punjab.

On the asking of the Court, Ms.Simsi Dhir Malhotra, DAG, Punjab, accepts notice. Copy given.

In the interest of justice, this petition is disposed of in limine directing that the petitioner will put in appearance before the trial Court on September 9, 2016 and will furnish a cost of Rs.1000/- each for the two PWs who were present on August 1, 2016 and could not be cross-examined on account of absence of the petitioner. The said amount will be considered as cost under Explanation 2 of Section 309 Cr.P.C. Petitioner in that eventuality will be permitted to furnish fresh bail bonds/ surety bonds to the satisfaction of the trial Court and in case of his doing so, he will be released on bail. The amount offered/ furnished will be payable to the witnesses as cost in the manner, mentioned hereinabove. It is made clear that in case of non-compliance of the above said order, this petition will be deemed to have been dismissed.

September 6, 2016
sanjay

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned:	Yes/ No.
Whether Reportable:	Yes/No.