

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

**CRM-M No.42186 of 2015 (O&M)
DATE OF DECISION :16.02 .2016**

Krishan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE M.JEYAPPAUL.

HON'BLE MR. JUSTICE RAJ MOHAN SINGH.

Present :- Mr. S.K. Garg Narwana, Senior Advocate with
Mr. Rahul Deswal, Advocate
for the petitioner.

Mr. Gaurav Goel, AAG, Haryana.

M.JEYAPPAUL, J. (Oral)

CRM-5232 of 2016

Heard. Application is allowed as prayed for.

CRM-M-42186 of 2015

Heard submissions made by learned Senior Counsel for
the petitioner as well as the learned counsel for the State.

The undisputed fact is that the petitioner remained absent
only for one day i.e. on 27.07.2015 but it is found that the trial could
not progress as the counsel engaged by him reported no instruction
for conducting the trial in the absence of the petitioner herein. In fact,
the trial Court was not in a position to examine the witnesses,
despite the fact that the trial of the case has been pending about 6

long years.

Learned counsel appearing for the State also submitted that except the hearing on 27.07.2015, the petitioner had been regularly appearing before the trial Court.

The petitioner has been in custody right from 17.09.2015. Learned Senior Counsel for the petitioner submitted that the petitioner is prepared to give an undertaking that even in his absence the petitioner would give instructions to his counsel to go ahead with the trial of the case.

In view of the above facts and circumstances, bail to the petitioner is granted to the satisfaction of learned trial Court. The petitioner shall give a specific undertaking that he will instruct his counsel to conduct the trial even in his absence.

Application is ordered accordingly.

**(M. JEYAPPAUL)
JUDGE**

**(RAJ MOHAN SINGH)
JUDGE**

February 16, 2016

prince