

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

(117)

**CRM-M-6933-2016 (O&M)
Decided on: March 01, 2016.**

Ishwar Chand Gupta

.... Petitioner

Versus

State of Punjab

..... Respondent

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

Present: Mr. Prashant Bansal, Advocate, for the petitioner.

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

Petitioner along with his co-accused Nikunj Gupta appeared before the trial Court on 08.12.2015 and moved an application through their counsel for adjournment expecting that their quashing petition in the High Court would be allowed.

The learned trial Court did not accept the request for adjournment and deferred the cross-examination of PW ASI Karam Chand till after lunch. The order passed after lunch hours indicate that on the top of the order, presence of both the accused has been marked but on account of their absence after lunch, their bail bonds have been cancelled.

Apprehending arrest, pursuant to the bail bonds having been cancelled, the petitioner along with his co-accused Nikunj Gupta filed an application for pre-arrest bail which has been dismissed by the learned Additional Sessions Judge taking into consideration the nature of the allegations in the FIR. I am of the considered opinion that it would have

been expedient, in the interest of justice and for expeditious disposal of the trial that by exempting the personal appearance of the petitioner and his co-accused Nikunj Gupta, after lunch hours, the counsel for the petitioner and his co-accused Nikunj Gupta could have been given an opportunity to cross-examine the witness present as per provisions of Section 273 Cr.P.C. In case, the said step was not deemed appropriate, the trial Court could have exercised the powers under Section 309 Cr.P.C to adjourn the case by imposing some costs as per Explanation (2) to the provisions of Section 309 Cr.P.C.

This petition is disposed of with a direction that the petitioner will appear before the trial Court on the next date of hearing. He would be required to deposit a sum of Rs. 1000/- as expenses for the witness who was present on 18.12.2015 as costs, under the above said provisions of Section 309 Cr.P.C. On his doing so, he will be granted concession of bail to the satisfaction of the trial Court subject to a condition that he will not absent himself during the entire period of trial without any sufficient cause.

(M.M.S. BEDI)
JUDGE

March 01, 2016
harsha