

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

**CRM No.M-32927 of 2017(O&M)
Date of Decision: September 07, 2017**

Shishpal

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Arun Khatri, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against respondent State of Haryana for setting aside the order dated 30.08.2017 passed by learned Addl. Sessions Judge, Palwal, passed in case FIR No.674/14 dated 20.12.2014.

I have heard learned counsel for the petitioner and have gone through the record.

As per the order dated 30.08.2017 passed by learned Addl. Sessions Judge, Pawal, accused Shishpal was absent. An application for his exemption was moved by his counsel and the Court held that no ground is made out to exempt the presence of accused Shishpal in the present case. On earlier date also, accused Shishpal was absent and application for exemption was moved, which was allowed by the court. The Court further

held that it is a date bound case and it is to be decided within a period of six

months. Two witnesses namely Inspector Ranjeet Singh and ASI Satish Kumar, could not be examined as accused Shishpal absented from the proceedings.

At the time of arguments, learned counsel for the petitioner has not pointed out any illegality in the impugned order. The impugned order has been passed as per law. Even, at the time of arguments before this Court, the Court asked the reason for absence and as to why exemption application was filed. Learned counsel for the petitioner replied that earlier accused had been provided security but later on, the same was withdrawn, therefore, due to fear, he did not appear before the Court. This explanation is not satisfactory. It means that if the security is withdrawn, then the accused will not appear before the Court.

In view of the above discussion, I do not find that any illegality has been committed by learned Addl. Sessions Judge, Palwal, while passing the impugned order dated 30.08.2017.

Therefore, finding no merit in the present petition, the same is dismissed.

September 07, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No