

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

CRL. MISC. No.M-45615 OF 2016
DATE OF DECISION : 27th MARCH, 2017

Deepali Bassi

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

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Present : Mr. Karambir Singh Kahlon, Advocate for the petitioner.
 Ms. Rajni Gupta, Addl. A.G. Punjab.
 Mr. Bipan Ghai, Senior Advocate with
 Mr. Vikas mohan Gupta, Advocate for the complainant.

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A. B. CHAUDHARI, J. (ORAL)

Heard learned counsel for the rival parties at length.

Learned State counsel has placed on record the material showing that Balaji and Dharma remained absent before the trial Court for 46 and 43 times respectively.

Learned counsel for Balaji and Dharma have specifically pointed out that the applications for exemption for personal appearance were filed by Balaji and Dharma on each occasion and the trial Court passed the order granting personal exemption to both. As a result of passing of the order of personal exemption, the trial continued to be delayed.

Though the learned counsel for the accused proudly states that because of the exemptions the trial was not delayed, it is difficult to agree with such a proposition. In my opinion, the trial Court made a

blunder in granting personal exemptions for 46 and 43 times in a case where serious offences like kidnapping and extortion are alleged to have taken place. According to me it is the trial Court which is responsible in the matter in granting exemptions in the manner that has been done in the instant case. This is clearly destructive of the concept of speedy trial. Grant of personal exemption for 46 and 43 times clearly shows a casual and cavalier approach of the trial Court in conducting the trial.

In that view of the matter, this Court having found the mistake of the trial Court, the cancellation of bail cannot be considered or allowed. However, the trial Court is directed to go on conducting the trial on day-to-day basis and not to entertain any application for grant of personal exemption from any of the accused and if such application is made then the accused Balaji and Dharma shall be taken into custody and the trial shall continue on day-to-day basis and shall be completed by 31.05.2017. The prosecution shall apply its mind as to the examination of material witnesses rather than examining the witnesses who do not matter. The petition is thus disposed of declining the prayer for cancellation of bail.

27th March, 2017
‘raj’

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes</i>	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	<i>No.</i>