

In the High Court of Punjab and Haryana at Chandigarh

CRM -M-6569 of 2017

Date of Decision: 28.2.2017

Mrs. Mehjabeen

---Petitioner

versus

The State of Haryana and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Parmod Kumar, Advocate
for the petitioner**

Rekha Mittal, J.

The petitioner has approached this Court to express her grievance with regard to rejection of her prayer seeking exemption from personal appearance on the ground of her medical condition.

Counsel for the petitioner has submitted that the petitioner, mother-in-law of the complainant is a cancer patient rendering her unable to cause appearance before the trial court on each and every date of hearing as the trial is pending in the Court at Faridabad but the petitioner is residing in Amroha (UP), approximately 200 kms from Faridabad. It is further submitted that the trial court without cancelling the bail order or forfeiting the bail bonds, while declining the application for exemption from personal appearance on 16.2.2017 has passed an order for securing presence of the petitioner through non-bailable warrants of arrest. It is further submitted that despite her bad medical condition, the petitioner is ready to appear before the court below on the date fixed i.e. 16.3.2017. It is further argued that as the application for exemption for all the times to come has been dismissed primarily on the ground that no medical documents have been

appended subsequent to the period 2014, the petitioner may be left at liberty to file a fresh application supported by medical records upto date and the same may be decided by the trial court without being prejudiced by any observations recorded in the order impugned

I have heard counsel for the petitioner, perused the paper book particularly the order impugned.

Perusal of the order would reveal that the trial court has neither cancelled the bail order nor forfeited the bail bonds, therefor, the petitioner can appear before the court without suffering custody. Taking into consideration plea of the petitioner that she is ready to appear before the trial court in person on 16.3.2017, the trial court is directed to keep warrants of arrest in abeyance till the next date of hearing subject, however, to the condition that the petitioner shall cause personal appearance before the trial court on 16.3.2017.

So far as plea of the petitioner seeking exemption from personal appearance, she is left at liberty to file a fresh application supported by latest medical documents and the same shall be decided by the trial court, on its own merits, without being influenced by any observations made in the impugned order. The application for exemption shall be decided by the trial court within a period of one month from the date of its filing without insisting for personal appearance of the petitioner on a date fixed for trial during intervening period.

Petition stands disposed of accordingly.

(Rekha Mittal)
Judge

28.2.2017

PARAMJIT	Whether speaking/reasoned	: Yes/No
	Whether reportable	: Yes/No