

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

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CRM-M NO.2645 OF 2018

DATE OF DECISION: JANUARY 22, 2018

Surender

.....Petitioner

VERSUS

State of Haryana and another

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. R. A. Sheoran, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court, challenging the order dated 06.10.2017 (Annexure P-3) passed by the Judicial Magistrate Ist Class, Charkhi Dadri, whereby an application under Section 319 Cr.P.C. moved by the prosecution has been allowed and the petitioner has been summoned as an additional accused, revision against which stands dismissed by the Additional Sessions Judge, Charkhi Dadri, vide impugned order dated 10.01.2018.

Learned counsel for the petitioner, after arguing the same for sometime, submits that the petitioner is working as a Driver in the Navy and the next date fixed before the trial Court is 30.01.2018. He submits that the petitioner shall appear before the trial Court prior thereto and will move an appropriate application for grant of regular bail. He also states that since he is employed in Navy, he has to fulfill the assignment and, therefore, his

personal presence may be exempted on the subsequent dates to be fixed by the trial Court.

Keeping in view the facts and circumstances of the present case and in the light of the statement of learned counsel for the petitioner, the present revision petition is disposed of as withdrawn. In case the petitioner moves an application for grant of regular bail, the same shall be entertained. Further if the petitioner moves an application for grant of exemption from personal appearance before the trial Court on the subsequent dates to be fixed, except where the Court requires his personal presence, his personal presence may be exempted, provided he gives an undertaking that the evidence recorded in his absence and in the presence of his counsel will be acceptable or on any other condition, which may be imposed by the trial Court.

**January 22, 2018
khurmi**

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No