

262.

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

CRM-M-36774-2018

Date of decision:12.09.2018.

INDER KAMAL SINGH SANGHA

... Petitioner

Versus

JALANDHAR DEVELOPMENT AUTHORITY & ANR Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Prateek Pandit, Advocate,
for the petitioner.

Mr. Ashish Grover, Advocate,
for respondent No.1.

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of order dated 19.08.2017 passed by learned Judicial Magistrate Ist Class, Jalandhar whereby the application filed by the petitioner-accused Inder Kamal Singh Sangha for grant of exemption from personal appearance during the proceedings of the case, was declined.

Memorandum of appearance filed on behalf of respondent No.1 in court today, is taken on record.

Perusal of order dated 19.08.2017 shows that in the absence of any document having been made available regarding his (petitioner's) employment in Air India or any duty roster which could show that he is working with Air India, the application filed by the petitioner under Section

The said order was challenged before the revisionary court but the revision petition was dismissed on account of maintainability.

Having heard learned counsel for the parties, the present petition is disposed of with a direction that in case the petitioner appears before the trial Court and produce the relevant documents so as to satisfy the trial Court that he is working with Air India and his nature of duty are as such that he has to fly abroad at short notice, the trial Court shall pass a fresh order after considering the documents so produced by the petitioner, which may justify his exemption from personal appearance.

In case the petitioner is able to convince the court that he can be granted exemption from personal appearance, the trial Court may put any reasonable condition which may deem fit in the circumstance of the case including the fact that he will make himself available at the time of framing of charge and shall not raise any objection in case the evidence is recorded in his absence or other proceedings are conducted in his absence.

In case the petitioner files such an application before the trial Court within a week from today, it is expected that the trial Court shall take a decision on the said application within a month thereafter.

(HARI PAL VERMA)
JUDGE

12.09.2018
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No