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

**CRM-M-45475-2022  
DECIDED ON: 22.12.2022**

**RAVINDER SINGH**

**.....PETITIONER**

**VERSUS**

**STATE OF PUNJAB AND OTHERS**

**.....RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.**

Present: Mr. Sushant Kohli, Advocate for the petitioner.

**SANDEEP MOUDGIL, J (ORAL)**

Petition under Section 482 Cr.P.C., for directing the trial Court to follow procedure under Section 91 & 93 Cr.P.C., in compliance of the order dated 22.12.2021 i.e. (Annexure P-5) and further quashing of the order dated 08.06.2022 (Annexure P-14), whereby the application dated 08.06.2022 (Annexure P-13) for exemption of the accused/petitioner from personal appearance was declined by the trial Court.

Learned counsel for the petitioner submits that learned trial Court while passing the impugned order dated 08.06.2022 (Annexure P-14), has not applied its judicious mind as no reason has been stated to decline the application dated 08.06.2022 (Annexure P-13), seeking exemption from personal appearance of the petitioner.

Subsequent thereto, the application for bail of the petitioner under Section 438 Cr.P.C., was also dismissed vide order dated 19.07.2022 (Annexure P-15), passed by the learned Sessions Judge, Amritsar, observing that the trial Court has rightly declined his prayer for exemption from personal appearance, as no cogent reason for his absence was given in the

Court. From a perusal of the application dated 08.06.2022 (Annexure P-13), it is evident that justifiable cause has been mentioned by the applicant-petitioner that he has to go out of station and, therefore, sought exemption but neither the said fact has been considered by the trial Court nor any observation to that effect has been recorded to elaborate the past conduct of the petitioner, if any.

Status report by way of an affidavit of Maninder Singh, IPS, Assistant Commissioner of Police, South, Amritsar City has been filed on behalf of respondents No.1 to 3, which is taken on record. On the basis of the same, learned State counsel has made an attempt to put forth a case with regard to the conduct of the petitioner stating that earlier he was absconding and concealing himself and, as such proclamation notice was issued qua him on 30.08.2022.

This Court is of the considered view that the proclamation notice was issued on 30.08.2022 i.e. after the passing of the impugned orders dated 08.06.2022 (Annexure P-14) and 19.07.2022 (Annexure P-15), whereby the exemption from personal appearance of the petitioner was declined and subsequently anticipatory bail was also rejected.

Looking into the totality of facts and circumstances and in view of the submissions made hereinabove, the orders dated 08.06.2022 (Annexure P-14) and 19.07.2022 (Annexure P-15) are set aside.

**(SANDEEP MOUDGIL)**  
**JUDGE**

**22.12.2022**

*Poonam Negi*

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|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether reportable</i>        | <i>Yes/No</i> |