

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

**CRM-M-21390-2018 (O&M)
DATE OF DECISION:-31.01.2023**

Pargat Singh Grewal

...Petitioner.

V.

State of Punjab

...Respondent..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. H.S. Randhawa, Advocate for
Mr. P.S. Ahluwalia, Advocate,
for the petitioner.

Mr. Ravinder Singh, AAG, Punjab.

HARKESH MANUJA, J. (ORAL)

By way of present petition filed under Section 482 Cr.P.C., prayer has been made for setting aside of impugned order dated 19.03.2018 passed by the court of learned Judicial Magistrate Ist Class, Jalandhar, whereby, an application filed at the instance of the petitioner for seeking permission to travel abroad was disposed of as infructuous, bails bonds were cancelled, surety bonds forfeited followed by issuance of non-bailable warrants against him.

On 21.05.2018, this Court passed the following order:-

“It is the contention of learned counsel for the petitioner that while moving an application dated 12.05.2017, wherein permission of the Court was sought by the petitioner for going abroad to get his bypass surgery done in Canada, where all his children are residing permanently, it was specifically stated that he shall have no objection if the prosecution evidence is recorded in his absence and he will not dispute identity during the trial.

Counsel states that similar averments have been made in the present petition as well. His submission is that the petitioner would appear before the Court most likely in the month of September as he has two appointments with two doctors for his treatment in June and July this year and thereafter his treatment would be finalised. He, therefore, submits that the petitioner has no intention, in any manner, to evade service or avoid facing trial.

*Notice of motion for **17.09.2018**.*

Let the proceedings before the trial Court go on as per the undertaking given by the petitioner. Evidence recorded in his absence would not be disputed by the petitioner and he would also not dispute identity. Personal presence of the petitioner is, therefore, exempted till the next date of hearing.”

Since then, the proceedings before the trial court are going on and at present the trial is at the stage of recording of the prosecution witnesses, wherein, the petitioner has been appearing through his counsel.

Learned counsel for the petitioner submits that the non-appearance of the petitioner before the trial court was on account of bonafide reasons as the petitioner was facing emergent medical situation and had to travel abroad for getting himself treated urgently.

On the other hand, learned counsel for the respondent-State submits that the petitioner went abroad without even seeking permission of the trial court and the only intent behind the non-appearance of the petitioner was to delay the proceedings before the trial court.

I have heard learned counsel for the parties and gone through the record.

In the wake of order dated 21.05.2018 passed by this Court, besides even considering the facts and circumstances of the present case as well as the medical condition of the petitioner and also his old age, present petition is allowed, order dated 19.03.2018 is set aside with the direction to the petitioner to appear before the trial court and move an application for

regular bail, which shall be decided on the same day, on furnishing of fresh bail bonds/surety bonds by the petitioner, to the satisfaction of the trial court.

Keeping in view the fact that the trial is fixed for recording of the evidence of prosecution witnesses, the petitioner, if so, desire may move an application before the court concerned for the purpose of seeking exemption from his personal appearance, which shall be considered sympathetically by the trial court, considering the age as well as his medical condition.

31.01.2023

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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No