

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

CRM-M-64181-2023

Date of Decision: December 21, 2023

BALRAJ SINGH

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Anurag Arora, Advocate for the petitioner.

HARKESH MANUJA, J. (ORAL)

By way of present petition, prayer has been made for quashing of the order dated 04.12.2023 passed by Addl. Sessions Judge, Kaithal whereby, an application made on behalf of the petitioner, seeking exemption from personal appearance stands rejected followed by cancellation of his bail bonds and issuance of non-bailable warrants against him.

2. Having been implicated as an accused in FIR No. 357 dated 15.09.2020 registered under Sections 406 and 420 IPC, at P.S. Pundri, District Kaithal, the petitioner was granted concession of regular bail by this Court vide order dated 17.11.2022. Charges were framed by the trial Court on 21.03.2023 and thereafter, the petitioner has been regularly appearing before the trial Court but for 04.12.2023 when an application for seeking exemption from personal appearance was filed on his behalf on account of unfortunate demise of his real maternal aunt namely, Surjit Kaur and the cremation had to take place on the said

date. It is the said application which has been declined by the trial Court vide order dated 04.12.2023, having recorded that on previous three occasions i.e. 13.07.2021, 04.08.2021 and 02.01.2023, the petitioner made similar requests and thus, the only intent has been to delay the trial.

3. Notice of motion.

4. Mr. Krishan K. Chahal, Addl. A.G. Haryana accepts notice on behalf of respondent-State.

5. I have heard learned counsel for the parties and gone through the paper-book.

6. A perusal of impugned order shows that three applications were moved on behalf of the petitioner for seeking exemption from personal appearance on 13.07.2021, 04.08.2021 and 02.01.2023. All the three occasions were prior to the framing of the charges in the case and thus, for the said dates, no material proceedings were to be carried out by the trial Court except for securing presence of the petitioner. It is the pleaded case of the petitioner that post framing of charges, he has been regularly appearing before the trial Court and he even undertakes for continued appearance during trial. Learned counsel for the petitioner further submits that there has been no intent on the part of the petitioner to delay the proceedings in the trial as he is having all respect for the law and the Court concerned.

7. Though, no jurisdictional error can be found in the order passed by the Court below, however, purely in the interest of justice

and in view of the aforesaid stand taken by the petitioner, the impugned order dated 04.12.2023 passed by the trial Court is hereby set aside, the petitioner is directed to appear before the trial Court within a period of one week from today and furnish his fresh bail bonds/surety bonds and the trial Court is requested to accept the same subject to its satisfaction. The aforesaid order shall however be subject to deposit of payment of cost of Rs.10,000/- to be deposited by the petitioner before the District Legal Services Authority, Kaithal.

8. The present petition is disposed of accordingly.

21.12.2023
Tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>

