

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13160 of 2013 (O&M)
Date of Decision: 07.05.2015

Tarsem Lal

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE R.P. NAGRATH

- 1. *Whether Reporters of the local papers may be allowed to see the judgment?***
- 2. *To be referred to the Reporters or not?***
- 3. *Whether the judgment should be reported in the digest?***

Present: Mr. C.L. Verma, Advocate
for the petitioner.

Mr. Gurveer Sidhu, AAG, Punjab
for the State.

Mr. Gopal Singh Nahal, Advocate for
Mr. Amit Saini, Advocate
for respondent No.2.

R.P. Nagrath, J. (Oral)

The instant petition has been filed for quashing FIR No.11 dated 04.02.2008 under Sections 420, 342, 120-B IPC, Police Station Samrala, District Ludhiana and the subsequent proceedings.

Learned State counsel on instructions from HC Amarjit Singh submits that out of 17 witnesses 08 have already been examined and the case is fixed for evidence of rest of the witnesses

for 11.05.2015 before the trial Court.

When the matter was listed on 26.04.2013, the following order was passed:

“Learned counsel for the petitioner has submitted that the petitioner has been falsely involved in this case merely because of the fact that he was the father of accused Sanjiv Kumar. The only allegation levelled against the petitioner is that his son had given him ₹ 4/5 lacs out of the money taken by him from the complainant party. Learned counsel has further submitted that the petitioner was residing in district Jalandhar whereas Sanjiv Kumar was residing in Calcutta. Thus, petitioner had no way of knowing as to what was the source of income of his son.

Notice of motion for 15.7.2013.

In the meantime, personal appearance of the petitioner before the Trial Court shall remain exempted subject to the following conditions:-

- i. petitioner shall be represented through counsel;*
- ii. shall not delay/stall the trial proceedings;*
- iii. shall not dispute his identity as an accused;*
- iv. shall have no objection if the prosecution evidence is recorded in his absence but in the presence of his counsel;*
- v. shall appear before the trial Court as and when required by the trial Court;*
- vi. any other condition which the learned trial Court*

may impose.”

In view of the above, the instant petition is disposed of with liberty to the petitioner to raise all the contentions taken herein at appropriate stage before the trial Court and further that the exemption granted on 26.04.2013 shall continue subject to those conditions during pendency of the trial.

**(R.P. Nagrath)
Judge**

07.05.2015
sk