

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

218

CRR No.4182 of 2016 (O&M)

Date of Decision: 23.08.2017

KULWINDER SINGH ALIAS FAUJI

.....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

**CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA**

Present : Mr. N.S. Dandiwal, Advocate for the petitioner.

Mr. A.S. Dhaliwal, DAG, Punjab

Mr. Harjeet Savra, Advocate for respondent No.2.

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**HARI PAL VERMA, J. (Oral)**

Petitioner namely Kulwinder Singh @ Fauji has filed the present revision petition against the order dated 03.08.2015 passed by Learned Sessions Judge, Moga, whereby on an application filed by the prosecution/complainant under Section 319 Cr.P.C., petitioner has been summoned to face the trial in FIR No.227 dated 24.11.2013, registered under Sections 302, 201 and 148 read with Section 149 IPC, at Police Station Dharamkot, District Moga. The summoning is based on the statement of Lovepreet Kaur daughter of deceased-Harjinder Singh, wherein she has narrated the incident which took place on 23.11.2013.

Learned counsel for the petitioner states that even in the initial version i.e. in the FIR which was registered on the basis of statement made by Sukhjinder Singh, who is real brother of deceased-Harjinder Singh,

petitioner has not been named. Said Sukhjinder Singh made a statement under Section 161 Cr.P.C. that the summoning of the petitioner who otherwise is working in the Army and presently posted at Arunachal Pradesh, is not warranted.

Mr. Harjeet Savra, Advocate has put in appearance on behalf of respondent No.2 and filed his power of attorney. Same is taken on record.

After arguing for some time counsel for the petitioner instead of seeking decision on merit, submits that he may be permitted to withdraw the present petition, however, prays that personal appearance of the petitioner before the trial Court may be exempted as petitioner is working in the Army and is currently posted at distant place. He further states that the petitioner has no objection in case the evidence is recorded in his absence.

In view of the aforesaid submission made by learned counsel for the petitioner, the present petition is dismissed as withdrawn.

However, for the relief regarding exemption from personal appearance, petitioner is at liberty to approach the trial Court, which shall consider the prayer made by the petitioner while taking into consideration his distant posting in the Army and his undertaking that he would have no objection in case the evidence is recorded in his absence.

23.08.2017  
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**(HARI PAL VERMA)**  
**JUDGE**

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|----------------------------|-----|---|----|
| Whether speaking/reasoned: | Yes | / | No |
| Whether reportable:        | Yes | / | No |