

120.

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

CRM-M-54030-2018

Date of decision:06.12.2018.

LAMBARDAR BAWA SINGH AND ANR

... Petitioners

Versus

RAJINDER SINGH AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sarbjit Singh, Advocate,
for the petitioners.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of order dated 06.08.2018 passed by learned Additional Sessions Judge, Amritsar, whereby the order dated 24.11.2017 passed by learned Sub Divisional Judicial Magistrate, Baba Bakala in a complaint No.64/2014 titled as "Rajinder Singh Versus Lambardar Bawa Singh and another", has been set aside.

The petitioners are the accused in a complaint filed under Sections 196/199/420/468/471/120-B of IPC, Police Station Beas. Since there was no pre-charge evidence on the file against the accused persons to frame the charge and despite granting last opportunity when the complainant did not examine himself in the pre-charge evidence, the trial Court vide order dated 24.11.2017 discharged the accused. Against the said order, the complainant filed a revision and the revisionary Court vide order dated 06.08.2018 set aside the order dated 24.11.2017 passed by the trial Court. It

is in these circumstances, the accused have approached this Court for quashing the order dated 06.08.2018.

At this stage, learned counsel for the petitioners states that the petitioners are ready to appear before the trial Court to join the proceedings, as directed by the revisionary Court/Additional Sessions Judge, Amritsar vide order dated 06.08.2018. However, considering the age of petitioners , the trial Court may be directed to grant them exemption from personal appearance.

I have heard learned counsel for the petitioners.

Since the petitioners have shown their inclination to join proceedings as directed vide order dated 06.08.2018, the present petition is disposed of with a direction that in case the petitioners appear before the trial Court and join the proceedings, they shall be released on bail on furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

So far as the prayer of the petitioners for grant of exemption from personal appearance is concerned, they are at liberty to move an appropriate application before the trial Court and the trial Court shall consider the same sympathetically.

(HARI PAL VERMA)
JUDGE

06.12.2018
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.