

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

**CRM-M No.9947 of 2019 (O&M)
Date of Decision: 05.03.2019**

Dalbir Singh

.....Petitioner

Versus

Jagir Singh and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Gursimran Singh Madaan, Advocate for the petitioner.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C. challenging the order dated 04.10.2017 (**P-3**), passed by learned Judicial Magistrate 1st Class, Jalandhar in a criminal complaint titled as '**Jagir Singh Versus Rajdeep Kaur**', summoning the petitioner to face the trial for the offences punishable under Sections 419, 420, 465, 466, 468, 471 and 120-B of the Indian Penal Code. Further challenge is to the order dated 10.05.2018 (**P-6**), passed in CRR Nos.98 and 113 of 2018 by learned Additional Sessions Judge, Jalandhar, dismissing the revision against the aforesaid summoning order.

After arguing for sometime, learned Counsel for the petitioner confined his prayer only up to the extent of seeking exemption from personal appearance of the petitioner before learned trial Court in view of the fact that he is residing abroad.

Prayer seems to be justified and accepted.

Consequently, the present petition is dismissed as withdrawn with liberty to the petitioner to appear through his Counsel before learned trial Court uptill the stage of recording the statement under Section 313 Cr.P.C., but it is made clear that in case any adverse order is passed against the petitioner, he shall not raise any grievance against the same, subject to the following conditions:-

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

March 05, 2019

Gagan

**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>