

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

114

CRM-M-13522-2018 (O&M)

Date of Decision:18.07.2019

Asha Rani @ Asha Batra and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Jagdish Manchanda, Advocate,
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Vipul Joshi, Advocate for
Mr. P.S. Ahluwalia, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

Petitioners who are parents-in-laws and husband of respondent No.2-Sonia have filed the present petition under Section 482 Cr.P.C. for quashing of FIR No.50 dated 14.03.2018 under Sections 406, 498-A, 120-B IPC, registered at Police Station City Moga, District Moga (Annexure P-1) and all subsequent proceedings arising therefrom.

Learned State Counsel, on instructions from ASI Balbir Singh, submits that in the aforesaid case, the police has completed the investigations and submitted report under section 173 Cr.P.C. and now case before the trial Court is fixed for framing of charge against the petitioners.

Faced with the situation, learned counsel for the petitioner seeks withdrawal of the present petition, however, with liberty to the petitioners to take all possible pleas, as admissible under law, at the time of

framing of charge. He further submits that considering the old age of petitioner Nos.1 and 2, they be granted exemption from their personal appearance during course of trial.

Dismissed as withdrawn with liberty as aforesaid.

However, as regard prayer of the counsel for the petitioners regarding exemption from personal appearance to petitioner No.1-Asha Rani @ Asha Batra and petitioner No.2-Devi Dayal Batra, it is directed that in case petitioner Nos.1 and 2 move an appropriate application seeking exemption from their personal appearance, the trial Court shall exempt their personal appearance, subject to following conditions:-

- i) that petitioners shall be represented through counsel;
- ii) that they shall not delay/stall the trial proceedings;
- iii) that they shall not dispute their identity as an accused;
- iv) that they shall have no objection if the prosecution evidence is recorded in their absence but in the presence of their counsel;
- v) that they 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.

However, so far as petitioner No.3-Deepak Batra, who is husband of respondent No.2 is concerned, he will face trial in accordance with law.

July 18, 2019

SEEMA

(HARI PAL VERMA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No