

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

CRM-M-31270-2017 (O&M)

Date of decision: 11.07.2019

Resham Kaur

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vikas Bahl, Sr. Advocate with
Mr. Manbir Singh Batth, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for quashing of FIR No.0073 dated 14.07.2017 under Sections 406, 420 IPC, registered at Police Station Behram, District SBS Nagar and all the subsequent proceedings arising therefrom.

Learned senior counsel for the petitioner, after arguing the case for some time, in view of the objection raised by learned State counsel that after framing of charge, one PW has been examined, submits that he wishes to withdraw the present petition with liberty to the petitioner to raise all the pleas/defences during the course of trial and restricts his arguments to the extent that personal appearance of the petitioner may be exempted considering the fact that she is 68 years old lady.

Learned State counsel submits that personal appearance of the petitioner may be exempted subject to the condition that she will be represented by a counsel and at any subsequent stage, she will not raise any objection if the evidence is recorded in her absence.

Dismissed as withdrawn with liberty aforesaid, however, personal appearance of the petitioner shall remain exemption subject to the following conditions: -

- (i) *she will be represented by a counsel;*
- (ii) *she will not delay/stall the proceedings of the trial Court;*
- (iii) *she will not dispute her identity as accused;*
- (iv) *she will have no objection if the prosecution evidence is recorded in her absence but in presence of her counsel;*
- (v) *she will appear before the trial Court as and when required by the trial Court and any other condition which the trial Court may impose.*

11.07.2019
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[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No