

S.No.205

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

CRM-M-6838 of 2015 (O&M)

Date of Decision:24.01.2019

Gurcharan Singh and others

.....Petitioners

Vs.

State of Haryana and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Sanjay Verma, Advocate
for the petitioners.

Mr. Vikas Malik, DAG, Haryana.

Mr. R.S. Budhwar, Advocate for
respondent No.2.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed under Section 482 of Cr.P.C for quashing/setting aside the impugned order dated 09.06.2014 passed by Additional Sessions Judge, Yamuna Nagar at Jagadhri vide which application filed under Section 319 C.P.C filed by respondent No.2 was dismissed by setting aside the order dated 17.08.2013 passed by Judicial Magistrate Ist Class, Bilaspur.

Learned counsel for the petitioners submits that although the petitioners have been summoned without there being any evidence against them, yet since they have already been before the Courts for a long time, therefore, he has the instructions to withdraw the present petition with liberty to avail all the legally available pleas; during the trial. Hence, it is prayed that the present petition be permitted to be withdrawn. However, it is further submitted by the counsel that petitioner No.2 – Paramjeet Singh is still serving in the Army, therefore, it may not be possible for him to attend all the dates to be fixed before the trial Court because of the call of his duty.

The petitioners No.3 to 5 are the ladies of the family. Therefore, the personal appearance of Paramjeet Singh and petitioners No.3 to 5 be ordered to be exempted permanently.

The prayer by the counsel is worth acceptance. The present petition is dismissed as withdrawn; with liberty to avail all the legally available pleas during the trial, if any.

Still further, if petitioners No.2 to 5 make any application for exemption from personal appearance during the trial, the trial Court shall consider the same sympathetically, but in accordance with the law. The trial Court may consider exempting the personal appearance of the above said petitioners on all the dates except the dates when they are specifically required to be present before the Court by order of the Court.

January 24, 2019
renu

(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No