

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

**CRM-M No.9518 of 2018 (O&M)
Date of Decision: 17.01.2019**

Birju Parshad and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. H.S.Dhindsa, Advocate for the petitioners.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab
for respondent No.1/State.

None for respondent No.2.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition under Section 482 Cr.P.C. has been filed praying for quashing of Complaint No.COMI/00013/2010 dated 06.05.2010, titled as '**Kiran Narang Versus Ashok Kumar Joshi and others**', pending before learned Sub Divisional Judicial Magistrate, Phagwara, under Sections 306, 506, 120-B, 34 of the Indian Penal Code, vide which, petitioners have been summoned to face trial in the said complaint.

After arguing for sometime, learned Counsel for the petitioners wishes to withdraw the present petition with liberty to raise all the pleas at the appropriate stage. He also requests for exemption from personal appearance of the petitioners and allow them to appear through their Counsel before learned trial Court.

Prayer seems to be justified and accepted.

In view of above, personal appearance of the petitioners during trial before learned trial Court shall remain exempted at the time of trial uptill the stage of recording the statements under Section 313 Cr.P.C., but it is made clear that in case any adverse order is passed against the petitioners, they shall not raise any grievance against the same, subject to the following conditions:-

- (i) *petitioners 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.*

Dismissed as withdrawn in the above terms.

January 17, 2019

Gagan

**(MAHABIR SINGH SINDHU)
JUDGE**

Whether speaking/reasoned	Yes
Whether Reportable	No