

CRM No.41586 of 2021 in/and
CRM-M-34074 of 2020

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM No.41586 of 2021 in/and
CRM-M-34074 of 2020

Date of decision:14.12.2021

Ravi and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Raghav Sharma, Advocate
for the petitioners.

Mr. K.S.Aulakh, DAG, Punjab.

SUVIR SEHGAL, J. (Oral)

CRM No.41586 of 2021

For the reasons given in the application, it is allowed.

Hearing of the main case is preponed to today and it is ordered
to be taken on Board for hearing today itself.

CRM-M-34074 of 2020

Instant petition has been filed seeking the following relief:-

*“It is, therefore, respectfully prayed that FIR No.0158
dated 25.07.2020 U/s 406, 498-A IPC PS City Rajpura and all
the subsequent proceedings therefrom (be quashed), as the
same is a misuse and an abuse of the process of law and a false
FIR on the face of it.*

AND

Further prayer for transfer of FIR No.0158 dated 25.07.2020 U/s 406, 498-A, IPC P.S City Rajpura and all the subsequent proceedings (including the investigation) to other district, for the want of fair and just investigation in the case, in the light of facts and circumstances of the case.

AND

Further petitioner No.2 and 3 be exempted from personal appearance in the subsequent proceedings of the pending case, in the light of medical conditions.”

After arguing for sometime, counsel for the petitioners submits that he does not want to press the petition insofar as the first two prayers are concerned and seeks liberty to take up all the available pleas before the trial Court at an appropriate stage. He is permitted to do so.

Insofar as third prayer is concerned, counsel for the petitioners has referred to the discharge summary dated 15.01.2020 (Annexure P-7) of petitioner No.2 to submit that he has undergone brain surgery and is not in a position to physically appear before the Court. He has sought the exemption of personal appearance of petitioner No.2 from the Trial Court.

Request made by counsel for the petitioners appears to be genuine.

A perusal of the medical record shows that petitioner No.2, who is 56 years of age, has been diagnosed with Intraventricular Cavernous Angioma and has undergone a major brain surgery from which he has not

fully recovered. This Court, therefore, deems it proper to exempt the personal appearance of petitioner No.2 before the trial Court subject to the following conditions:-

- (i) That the counsel for petitioner No.2 will keep on appearing in the Court on each and very date of hearing.
- (ii) That petitioner No.2 shall give an undertaking to the trial Court that he would not dispute his identity or of the witnesses and that he shall not object to the recording of their evidence in his absence and that no adjournment shall be sought on behalf of petitioner No.2 and/or his advocate.
- (iii) That petitioner No.2 shall appear before the trial Court for the purpose of framing of the charges and also on other dates of hearing whenever the trial Court seeks his appearance;
- (iv) That if there is any failure on the part of the advocate, who is representing petitioner No.2, either in appearance before the trial Court and/or any adjournment is sought on behalf of petitioner No.2 and/or if the trial Court is of the opinion that petitioner No.2 and/or his advocate is trying to delay the trial, in that case, it would be open for the trial Court to exercise its powers under Section 205(2) Cr.P.C and direct the appearance of petitioner No.2 on each and every date of adjournment.

Petition is accordingly disposed of.

December 14, 2021
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No