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

CRM-M-47457-2021 (O&M)

Date of decision : 12.11.2021

Balwan Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ashwani Talwar, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.19 dated 22.11.2018 (Annexure P-1) as well as the challan dated 28.11.2020 (Annexure P-2) which has been presented on the basis of the said FIR for the commission of offences under Sections 120-B/201/34/406/409/418/420/467/468/471/477 of the Indian Penal Code, 1860 and Section 3 of the Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013 (Haryana Act No.22 of 2014), at Police Station Azad Nagar, District Hisar and all the consequential proceedings arising therefrom.

After arguing for sometime, learned counsel for the petitioner seeks permission of this Court to withdraw the present petition with liberty

to take up all the points as raised in the present petition during the course of trial before the trial Court. He further submits that the petitioner is a 59 year old person and has undergone Bypass-surgery at Singhania Hospital during the period of 03.08.2019 to 12.08.2019 and in this regard, he has referred to the Discharge Summary (Annexure P-10) and has also submitted that the name of the petitioner has come up only in the disclosure statement of the co-accused namely Sher Singh Poonia and thus, prays that the personal appearance of the petitioner before the trial Court in the present case be exempted.

In view of the abovesaid, the present petition is dismissed as withdrawn with liberty aforesaid. However, keeping in view the age and the medical condition of the petitioner, the personal appearance of the petitioner before the trial Court is exempted, subject to the following conditions:-

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

All the pending miscellaneous application, if any, shall stand disposed of in view of the abovesaid order.

12.11.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No