

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

(201-1)

CRM-M-10607-2021

Date of decision: - 15.02.2022

Shiv Shankar

....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Vishwajeet Singh, Advocate, for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

Mr. Balwinder Singh Sudan, Advocate  
for respondent No.2.

( Through Video Conferencing )

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VIKAS BAHL, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.538 dated 22.08.2017, registered under Sections 406, 420 and 506 read with Section 34 of the Indian Penal Code, 1860, at Police Station Sonipat City and all the consequential proceedings arising therefrom.

Learned counsel for the petitioner has submitted that although the present FIR is dated 22.08.2017, but till date the charges have not been framed against the main accused Vinay Mishra.

After arguing for some time, learned counsel for the petitioner seeks permission of this Court to withdraw the present petition with liberty to the petitioner to take up all the points as raised in the

present petition and available to him, at the time of framing of charges before the trial Court.

In view of the above, the present petition is dismissed as withdrawn with liberty aforesaid.

Learned counsel for the petitioner has prayed that the petitioner be granted exemption from personal appearance, inasmuch as, the petitioner is stated to be 57 years of age and is a resident of New Delhi, whereas, the proceedings are in the Court at Sonipat and even as per the FIR, the petitioner is not the main accused.

Keeping in view the abovesaid prayer and in view of facts as stated by the learned counsel for the petitioner that the petitioner is 57 years of age and is a resident of New Delhi, whereas, the proceedings are pending in Sonipat, the personal appearance of the petitioner before the trial Court is exempted, subject to the following conditions:-

- i) he shall be represented through his 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 counsel;
- v) shall appear before the trial Court as and when required by the trial Court;
- vi) any other condition which the trial Court may impose.

**February 15, 2022**  
naresh.k

**( VIKAS BAHL )**  
**JUDGE**

Whether reasoned/speaking?  
Whether reportable?

Yes  
No