

120-A
IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-34647-2022 in/and
CRM-M-15911-2021 (O&M)
Date of decision : 21.09.2022

Dharambir and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sarju Puri, Advocate for the petitioners.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Jagjot Singh, Advocate for
Mr. Kunal Dawar, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

CRM-34647-2022

This is an application filed under Section 482 of Cr.P.C. for
advancing the date of hearing in the main case.

For the reasons stated in the application, the present application is
allowed and the date of hearing in the main case is preponed from 23.02.2023 to
today and the same is taken on Board today itself for final disposal.

Main case

This is a petition filed under Section 482 of Cr.P.C. for quashing of
FIR No.76 dated 16.05.2016 registered under Sections 148, 149, 452, 323, 325,
506 of the Indian Penal Code, 1860 at Police Station Tigaon, District Faridabad
and all the consequential proceedings arising therefrom.

Learned counsel for the petitioners seeks permission of this Court to withdraw the present petition with liberty to the petitioners to take up all the points as raised in the present petition and available to them, at the relevant stage before the trial Court.

In view of the above, the present petition is dismissed as withdrawn with liberty aforesaid.

Learned counsel for the petitioners has further submitted that in the present case, petitioner No.1 is a senior citizen and thus, prays that his personal appearance before the trial Court may kindly be exempted.

Keeping in view the abovesaid facts, the personal appearance of petitioner No.1 before the trial Court is exempted, subject to the following conditions:-

- i) Petitioner No.1 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 and will never raise a plea either before the trial Court or in appeals/revisions etc. that the prosecution evidence has been recorded in his absence or the proceedings have been conducted in his absence;
- 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.

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

21.09.2022

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No