

115

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

CRR-796-2022 (O&M)
Date of decision : 18.07.2022

Ikrar Ali and others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. S.S. Dinarpur, Advocate and
Mr. Shubham Verma, Advocate and
Mr. Aman Godara, Advocate for the petitioners.

Mr. Bhupender Singh, DAG, Haryana.

Mr. Sandeep Singh Rana, Advocate for the complainant.

VIKAS BAHL, J. (ORAL)

Challenge in the present Criminal Revision is to the order dated 25.03.2022 passed by the Additional Sessions Judge, Jagadhri, whereby, charges under Sections 148, 149, 323, 302, 506 of the Indian Penal Code, 1860 have been framed against the petitioners in FIR No.43 dated 11.03.2021 registered under Sections 148, 149, 323, 302, 506 of IPC at Police Station Jathlana, District Yamuna Nagar.

After arguing for sometime, learned counsel for the petitioners seeks permission of this Court to withdraw the present Criminal Revision with liberty to the petitioners to take up all the points as raised in the present Criminal Revision and available to them, at the relevant stage before the trial Court, in accordance with law.

In view of the above, the present Criminal Revision is dismissed as withdrawn with liberty aforesaid.

Learned counsel for the petitioners has further made a prayer that petitioner Nos.9 and 10, both are ladies and as far as petitioner No.10 is concerned, she is married and is a resident of U.P. and has her matrimonial home in U.P. whereas the trial is going on in District Yamuna Nagar and as far as petitioner No.9 is concerned, she is a married woman and has two minor children to take care of, and thus, prays that their personal appearance before the trial Court may kindly be exempted.

Keeping in view the abovesaid facts as stated by learned counsel for the petitioners that the both petitioner Nos.9 and 10 are ladies as well as the fact that petitioner No.10 is married and is a resident of U.P. and has her matrimonial home in U.P. whereas the trial is going on in District Yamuna Nagar and petitioner No.9 is a married woman and has two minor children to take care of, thus, the personal appearance of petitioner Nos.9 and 10 before the trial Court is exempted, subject to the following conditions:-

- i) Petitioner Nos.9 and 10 shall be represented through their 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 and will never raise a plea either before the trial Court or in appeals/revisions etc. that the prosecution evidence has been recorded in their absence or the proceedings have been conducted in their 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.

18.07.2022

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No