

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(119-1)

CRM-M-37822-2021
Date of decision:- 29.07.2022

Usha @ Usha Dubey and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Nand Lal Sammi, Advocate for the petitioners.

Ms. Mahima Yashpal, DAG, Haryana for State-respondent No.1.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of charge sheet No.01 dated 04.01.2020 in FIR No.422/2019 dated 25.09.2019, registered for offences under Sections 313, 323, 34, 376, 377, 406, 498-A, 506 and 511 of the Indian Penal Code, 1860, at Police Station Gannaur, District Sonipat, Haryana, Annexure P-1, along with all subsequent proceedings arising therefrom.

Having argued at some length and sensing an adverse result, counsel for the petitioners does not press the petition. He, however, submits that since petitioner No.1 is the married sister-in-law of the complainant and is staying at her matrimonial home in District Ambedkar Nagar, Uttar Pradesh, which is at a distance of over 800 kms from Sonipat, her personal appearance before the Trial Court be exempted.

Request of the counsel has been considered.

Petition is disposed of with a direction that personal appearance of petitioner No.1 before the Trial Court shall remain exempted subject to the following conditions:-

- (i) That the counsel for petitioner No.1 keeps on appearing in the Court on each and every date of hearing.
- (ii) That the counsel for petitioner No.1 will give an undertaking before the Court about the instructions of the said petitioner to cross-examine the witness(s) in her absence.
- (iii) That the petitioner No.1 will not dispute the identity of the witnesses examined in her absence.
- (iv) That the petitioner No.1 will give an undertaking in the Court that she will put in appearance on every date as and when required by the Court.

(SUVIR SEHGAL)
JUDGE

29.07.2022
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No