

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRR-1186-2022

Date of decision : 13.12.2022

Subhash Chander Dhamija

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.S.K.Choudhary, Advocate
for the petitioner.

Mr.Tarun Aggarwal, Sr.DAG, Punjab.

VIKAS BAHL, J.(ORAL)

Challenge in the present revision petition is to the order dated 06.09.2021 passed by the Chief Judicial Magistrate, Moga vide which the application under Section 319 Cr.P.C. for summoning the present petitioner filed by the APP has been allowed.

Learned counsel for the petitioner has submitted that the petitioner be permitted to withdraw the present petition with liberty to take up all the points available to him, in accordance with law, during the course of trial, including the time of framing of charges. It is prayed that since the petitioner is a 64 year old retired employee and is residing in Chandigarh, whereas the proceedings are going on at Moga, thus, his personal appearance be exempted.

In view of the statement made by learned counsel for the petitioner, the present petition is dismissed as withdrawn with the aforesaid

liberty. The personal appearance of the petitioner before the trial Court is exempted, subject to the following conditions:-

- i) Petitioner shall be represented through his counsel;
- ii) shall not delay/stall the trial proceedings;
- iii) shall not dispute her 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.

(VIKAS BAHL)
JUDGE

December 13, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No