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

CRM-M-26761-2022

Date of decision : 11.07.2022

Sourav

...Petitioner

Versus

UT Chandigarh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ravi, Advocate for the petitioner.

Mr. Arjun Dosanj, Advocate for
Mr. C.S. Bakshi, Addl. PP UT Chandigarh.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.149 dated 19.07.2020 registered under Sections 323, 341, 506, 34 of the Indian Penal Code, 1860 (Section 326 of IPC has been added later on) at Police Station Sector 31, UT Chandigarh and all the subsequent proceedings arising therefrom.

Learned counsel for the UT Chandigarh has pointed out that in the present case, charges have been framed and out of 13 witnesses, 11 witnesses have been examined.

In view of the above, 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 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In view of the above, the present petition is dismissed as withdrawn with liberty aforesaid.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 petitioner has further submitted that since, the complainant in his examination-in-chief, has not identified the present petitioner, thus, prays that personal appearance of the petitioner before the trial Court may kindly be exempted.

Keeping in view the abovesaid fact as stated by learned counsel for the petitioner, 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 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.

11.07.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No