

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(116)

CRM-M-37071-2021

Date of Decision: 15.03.2022

Gurbax Singh & others

--Petitioners

Versus

State of Punjab & another

--Respondents

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Narender Kaajla, Advocate for the petitioners.

Mr. Rakeshinder Singh Sidhu, A.A.G., Punjab.

RAJESH BHARDWAJ.J (Oral)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covil-19 situation and as per instructions.

The present petition has been filed under Section 482 Cr.P.C praying for setting aside the impugned order dated 30.11.2018 passed by learned JMIC, Dera Bassi whereby application under Section 319 Cr.P.C has been allowed and the petitioners have been summoned to face trial in case FIR No.182 dated 23.8.2014 registered under sections 498-A, 406 IPC read with section 120-B IPC at Police Station, Lalru as also the impugned order dated 28.7.2021 passed by learned Addl. Sessions Judge, SAS Nagar.

Having argued the matter at some length, learned counsel for the petitioners prays for withdrawal of the present petition with liberty to avail the remedy before the Trial Court. However, he prays that petitioner no.1 is an aged person and therefore his personal appearance before the trial court may be exempted.

Prayer seems to be genuine one.

In view of the prayer made by counsel, the learned Trial Court is directed to consider the application moved by the petitioner no.1 for the grant of exemption from his personal appearance during trial subject to his filing affidavit to the following effect:-

1. That petitioner will have no objection if the statements of witnesses are recorded in his absence but in the presence of his counsel.
2. That he will appear before the trial Court as & when required to do so by it.
3. That he will abide by any other condition imposed by the trial Court while granting him exemption from personal appearance.

The petition is dismissed as withdrawn with liberty as prayed for.

(RAJESH BHARDWAJ)
JUDGE

15.03.2022

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No