

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(241)

CRM-M-29141-2019

Date of decision: - 28.10.2022

Baltej Singh and another

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. P.K.S. Phoolka, Advocate,
for the petitioners.

Mr. Iqbal Singh Mann, DAG, Punjab.

VIKAS BAHL, J. (ORAL)

Present petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.96 dated 09.09.2018, under Sections 430, 427 and 34 IPC, registered at Police Station Nandgarh, District Bathinda and all the subsequent proceedings arising therefrom.

Learned State counsel has pointed out that in the present case, the report under Section 173 Cr.P.C. has been presented and the charges have been framed on 02.02.2021 and out of total 5 prosecution witnesses, even one witness has been examined and the case before the trial Court is now listed for 17.11.2022.

In view of the above, learned counsel for the petitioners, seeks permission of this Court to withdraw the present petition with liberty to the petitioners to take up all the points as raised in the present

petition and available to them, at the relevant stage before the trial Court.

In view of the statement of learned counsel for the petitioners, the present petition is dismissed as withdrawn with liberty aforesaid.

Learned counsel for the petitioners has submitted that petitioner No.2 is not keeping good health and thus, prays that his personal appearance before the trial Court may kindly be exempted.

Keeping in view the abovesaid facts as stated by learned counsel for the petitioners, the personal appearance of petitioner No.2 before the trial Court is exempted, subject to the following conditions:-

- i) Petitioner No.2 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.

October 28, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No