

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRR-2191-2022(O&M)
Date of decision : 14.11.2022

Ajaib Singh @ Jaiba

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Umesh Aggarwal, Advocate
for the petitioner.

Mr.Tarun Aggarwal, Sr.DAG, Punjab.

VIKAS BAHL, J.(ORAL)

CRM-39702-2022

This is an application under Section 5 of the Limitation Act read with Section 482 Cr.P.C. for condonation of delay of 140 days in filing the accompanying revision.

Notice in the application.

For the reasons stated in the application and also the fact that this is the first revision, the application is allowed and delay of 140 days in filing the accompanying revision is condoned.

CRR-2191-2022

Challenge in the present revision petition is to the order dated 05.03.2021 passed by the Additional Sessions Judge, Amritsar, vide which the petitioner has been summoned under Section 319 Cr.P.C. to face trial in FIR no.213 dated 06.10.2017 under Sections 308, 427, 323, 148, 149 IPC

Police Station Jandiala at Amritsar Rural.

Learned counsel for the petitioner, after arguing for some time, seeks to withdraw the present petition with liberty to take up all the points which have been raised in the present petition and are available with him, during the course of trial, in accordance with law. Learned counsel for the petitioner has submitted that the petitioner is 50 years old and he is doing a government job and is working as a Head Constable and is presently posted at Chandigarh and thus, prayed that the personal appearance of the petitioner be exempted.

In view of the statement made by learned counsel for the petitioner, the present petition is dismissed as withdrawn with the liberty aforesaid.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

November 14, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No