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

CRM-M-57041-2022

Date of decision : 08.12.2022

Kashmir Singh and another

...Petitioners

Versus

Gurjit Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. B.S. Jaswal, Advocate for the petitioners.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of Criminal Complaint No.23 dated 03.06.2019 under Sections 323/324/295-A/386/120-B/34 of Indian Penal Code, 1860 at Police Station Tarsikka, District Amritsar and impugned order dated 03.09.2021 passed by the JMIC, Baba Bakala, District Amritsar and all the subsequent proceedings arising therefrom.

After arguing for sometime, 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In view of the above, the present petition is dismissed as withdrawn with liberty aforesaid.

Learned counsel for the petitioners has further made a prayer that petitioner No.2 is a 52 year old lady and petitioner No.1 is Ex-army man and is presently posted at Amritsar Defence Service Corps and thus, prays that their 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 the petitioners before the trial Court is exempted, subject to the following conditions:-

- i) Petitioners shall be represented through their counsel;
- ii) shall not delay/stall the trial proceedings;
- iii) shall not dispute their identity as accused;
- iv) shall have no objection if the prosecution evidence is recorded in their absence, but in the presence of their 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 their absence or the proceedings have been conducted in their 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.

08.12.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**