

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

113

CRM-M-58804-2022

Date of decision : 16.12.2022

Raj Bahadur and Ors.

..... Petitioners

V/S

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Rohit Kaushik, Advocate, for the petitioners.

Mr. Kunwarbir Singh, A.A.G. Punjab.

AMARJOT BHATTI J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. seeking direction to the trial Court to exempt the presence of the petitioners during the trial in FIR No.49 dated 16.03.2021 registered under Section 498-A of IPC at Police Station Sadar, District Kapurthala.

Notice of motion.

On the asking of this Court, Mr. Kunwarbir Singh, Assistant A.G. Punjab, accepts notice on behalf of the State.

Learned counsel for the petitioners argued that petitioner No.1(Raj Bahadur Singh) is the only male member, who is suffering from multiple neurological issues and is having severe limb pain in Hip-Bone joint and has been advised complete bed rest. The petitioners No.2 and 3 are the old ladies, who are looking after him. The petitioners are residing in Agra and the trial is going on at Kapurthala which is at a distance of 650 Kms. The traveling time by road is more than 14-15 hours. The trial Court is giving short adjournments for recording of evidence. The petitioners are unable to appear in the court due to the aforesaid reasons.

Therefore, their presence may be exempted during the pendency of the

trial and the trial Court be directed to adjourn the case in the month of

March, 2023.

I have considered the arguments and have gone through the record. In this case the FIR has been registered on the statement of complainant against the petitioners under Section 498-A IPC. The facts stated in the petition clearly indicates that the case is fixed for prosecution evidence. The learned counsel for the petitioners has placed on record copy of order dated 06.12.2022, vide which the personal appearance of all the petitioners was exempted and the process has been issued for 16.01.2023, to complete the testimony of witnesses namely Charanjit Kaur, Jarnail Singh and Pavittar Singh. The evidence of the witnesses can be recorded in the presence of accused. The learned trial Court taking lenient view has already exempted the personal appearance of all the accused as per order dated 06.12.2022. In case any of the petitioner has got any medical issue, then the application for exemption can be filed before the trial Court at the relevant stage and the same can be decided on merits by the court concerned.

The petition filed by the petitioners seeking permanent exemption of all the accused during the pendency of the trial is neither justified nor the petitioners/accused can direct the trial Court to adjourn the case in March, 2023. Therefore, the present petition filed by the petitioners is firstly premature as no such application has been filed before the trial Court nor it is justified. Therefore, the petition is accordingly declined.

(AMARJOT BHATTI)
JUDGE

16.12.2022
Sunil Devi

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