

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

Sr. No.138

CRM-M-3170-2023

Date of Decision: 23.01.2023

Harmanvir Kaur

.... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Tejinderbir Singh, Advocate for the petitioner.

TRIBHUVAN DAHIYA, J. (ORAL)

This is a petition for setting aside the order dated 31.10.2022 (Annexure P-1), whereby personal appearance of accused/respondent No.2 has been exempted in case FIR No.31 dated 10.03.2021, registered under Sections 498-A and 406 IPC at PS Amargarh, District Sangrur.

2. Learned counsel for the petitioner contends that personal appearance of the accused/respondent No.2, who is petitioner's mother-in-law, has been exempted on wrong grounds of medical disability. As a matter of fact, she is not suffering from any such disability and the exemption should not have been granted.

3. The relevant part of the impugned order is reproduced hereunder:

xxx

xxx

xxx

xxx

Accused Hardev Kaur is present in the court today. She appeared on wheel chair and when she was told to stand up and walk, she was not able to do so without support of her son. Apparently accused is not in a fit state. She is an old lady who is not able to walk property even with help

of others. Main aim of this court is to make sure that trial of the case if not delayed. In such a scenario, application filed by applicant Hardev Kaur for her permanent exemption from personal appearance is hereby allowed and personal appearance of Hardev Kaur stands exempted during the trial, subject to conditions that she will not dispute her identity and will have no objection if evidence is recorded in her absence but in the presence of her counsel. Moreover, accused is directed to appear in the court as and when directed. Accused Hardev Kaur is directed to file an affidavit in this regard on the next date of hearing.

xxx xxx xxx xxx

- 4. It is, therefore, apparent that only on account of inability of respondent No.2 to get up and walk, the impugned order granting exemption has been passed. She was on a wheel chair in the Court and could not get up and walk, as recorded by the trial Court itself. Further, it has also been directed that the evidence recorded in her absence but in the presence of her counsel, will not be objected to by her. She is also bound down to appear in Court as and when directed.
- 5. In view thereof, there is no ground to entertain the petition.
- 6. Dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

23.01.2023
Maninder

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No