

257 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:156680
CRR-1931-2022 (O&M)
Date of Decision: December 07, 2023

Gurinder Singh alias Kaka ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Vishwajit Bedi, Advocate for the petitioner.

Mr. Parneet Singh Pandher, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

Prayer in this petition is made for quashing the order dated 12.07.2022, whereby charge under Section 304 IPC was framed against the petitioner in case FIR No.254 dated 31.08.2021, under Section 304 IPC, registered at Police Station Tripuri, Patiala.

On 16.09.2022, following order was passed:-

“Inter alia contends that in the present case the complainant had got the body of the deceased cremated without any post-mortem report or the report of the Chemical Examiner, so as to show the cause of death of deceased Mandeep Singh. It is submitted that the FIR has also been registered on the basis of suspicion and there is no evidence to show that the present petitioner had administered the injection containing narcotic drugs to the petitioner which is now being alleged to have an excessive dose of narcotics.

Notice of motion for 18.11.2022.

In the meantime, 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 prosecution 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.”*

Today, it is informed by learned State counsel that out of 17 witnesses cited by the prosecution, 04 witnesses have already been examined. Thus, the trial is going on.

Learned counsel for the petitioner has no objection, so as to withdraw this petition and to raise all the pleas as taken in this petition before the Trial Court concerned, but with liberty that his appearance be exempted, as per order dated 16.09.2022 passed by this Court. Learned counsel contends further that the petitioner will appear before the Trial Court as and when his presence will be required from the stage of recording statement under Section 313 Cr.P.C.

In view of the aforesaid statement made by learned counsel for the petitioner, present petition is dismissed as withdrawn. Liberty is granted to the petitioner to raise all the pleas as taken in this petition in his defence before the Trial Court concerned. The personal appearance of the petitioner shall remain exempted, in terms of the order dated 16.09.2022 passed by this Court till the case reaches at the stage of recording of the statement under Section 313 Cr.P.C.

December 07, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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