

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

CRM-M No.43255 of 2023

Date of Decision:05.12.2023

Manial

... Petitioner

Versus

State of Hayana and another

... Respondents

CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Gursimran Singh Madaan, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. challenging complaint bearing No.COMI/30/2019 dated 30.04.2019 (Annexure P-1) titled as *Gurmail Singh Vs. Manial and others* pending in the Court of learned Judicial Magistrate 1st Class, Ellenabad, District Sirsa under Sections 420, 467, 468, 511, 199 and 200 read with Section 120-B, 34 IPC, Section 82 of the Registration Act, 1908, 14A of the Foreigners Act (FEMA Act, 1999) & 12 (1-B) of Passports Act, 1967 along with all consequential proceedings emanating therefrom as well as order dated 25.07.2023 (Annexure P-4) whereby the petitioner has been ordered to be summoned in a criminal case instituted by the respondent.

2. After arguing for some time, learned counsel appearing for the petitioners seeks to withdraw the instant petition with liberty to raise all pleas taken in the present petition at the appropriate stage during the course of trial. However, he seeks indulgence of this Court to the extent that exemption from personal appearance before the learned trial Court may be granted to the

petitioner as he is resident of Kapurthala and the aforesaid complaint is pending at Ellenabad, District Sirsa.

3. The instant petition is dismissed as withdrawn with liberty as aforesaid. However, keeping in view the inconvenience caused to the petitioner in attending the trial at Ellenabad, District Sirsa and in view of the ratio laid down by this Court in *Suresh Kumar and another Vs. The State of Haryana and another 2023 (2) Law Herald 1498*, personal appearance of the petitioner before the learned trial Court is ordered to be 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 their identity as accused;
- iv). shall have no objection if the prosecution evidence is recorded in their absence but in the presence of his counsel;
- v). shall appear before the trial Court as and when required; and
- vi). any other condition, which the trial Court may impose.

(HARPREET SINGH BRAR)
JUDGE

December 05, 2023

Pankaj*

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No