

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

125

2023:PHHC:135883

CRM-M-46845-2023 (O&M)

Date of decision: October 16th, 2023

Vijay Kalra

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

MANJARI NEHRU KAUL, J. (ORAL)

CRM-M-42784-2023

Prayer in this application is for placing on record copy of medical certificate as Annexures P-9 and P-10.

Application is allowed subject to just exceptions.

Annexures P-9 and P-10 are taken on record.

CRM-M-46845-2023

Petitioner is impugning the order dated 11.07.2023 (Annexure P-7) passed by learned JMIC, Ludhiana, in case FIR No.78 dated 02.04.2015 under Sections 467 468 471 120-B of the IPC registered at Police Station Shimlapuri, Ludhiana, whereby his application seeking grant of permanent exemption has been dismissed.

2. Learned counsel for the petitioner submits that the petitioner, who is aged 63 years, being a chronic patient of diabetes and hypertension, is unable to attend Court proceedings and, therefore, he be granted permanent exemption from personal appearance before the trial Court. In support, learned counsel has placed reliance upon medical certificate, which has been annexed as Annexure P-9.

3. Notice of motion.

4. On the asking of the Court, Mr. Amit Rana, Senior Deputy Advocate General, Punjab, accepts notice on behalf of the respondent.

5. In the facts and circumstances, the instant petition is allowed. Personal appearance of petitioner is exempted before the trial Court. However, the exemption qua personal appearance of the petitioner shall be subject to the following conditions:-

- (i) That the counsel for the petitioner would appear on each and every date of hearing and will not delay/stall the proceedings in the trial Court.
- (ii) That the petitioner will not raise any dispute qua his identity as an accused and also not raise any objection, if the prosecution evidence is recorded in his absence, but in the presence of the counsel representing him.
- (iii) That no dispute will be raised by the petitioner qua the identify of the witnesses exempted in his absence.
- (iv) That an undertaking shall be given by the petitioner before the trial Court that he would put in appearance as and when called upon to do so by the trial Court.
- (v) Any other condition that may be imposed by the trial Court.

October 16th, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No