

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

CRM-M-58550-2023

Date of Decision: November 20, 2023

ATMA RAM

.....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sunil Agnihotri, Advocate for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

Present petition under Section 482 CrPC is filed seeking quashing of impugned order dated 22.09.2023 in Complaint No.COMI/29/2016 dated 23.03.2016 registered under Sections 323, 341, 380, 427, 452, 506 and 34 IPC.

2. Learned counsel for the petitioner contends that learned trial Court has not considered the facts and circumstances of the case and granted permanent exemption from personal appearance to respondent No.2. The impugned order is not passed keeping in view the provisions of Section 205 CrPC.

3. Having heard learned counsel for the petitioner and perusing the record it transpires that learned trial Court has passed the impugned order by keeping in view the health of the respondent No.2.

4. A perusal of the impugned order indicates that respondent No.2 is not physically fit and due to his precarious health his body weight has been reduced below 35 kilograms and he is not in a position

to attend the Court proceedings and respondent No.2 has already given his undertaking that he will have no objection if the evidence in the present case is recorded in his absence and he would not dispute his identity and in case his appearance is required he would appear on the date as directed by the learned trial Court.

5. Keeping in view the law laid down in “**Suresh Kumar and Anr. Vs. State of Haryana and Anr. 2023(2) PLR 438**”, no ground of interference is made out. As such the present petition is dismissed being devoid of any merits.

20.11.2023
tejwinder

(HARPREET SINGH BRAR)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>