

CRM-M-55375-2023
Date of decision: 15.11.2023

Versus

State of Punjab and another ...Respondents

Present: Mr. Vivek K. Thakur, Advocate
for the petitioners.

Learned counsel for the petitioners seeks to withdraw this petition and he confines his prayer to the extent of seeking exemption of the petitioners from personal appearance before the learned trial Court.

The instant petition is dismissed as withdrawn. However, in view of the ratio laid down by this court in CRM-M-25963-2023 titled as 'Suresh Kumar and another Vs. The State of Haryana and another' 2023 (2) Law Herald 1498, the 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.

In view of the facts and circumstances, it transpires that the

petitioners have been summoned under Section 190 Cr.P.C. as an additional

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accused and their custodial interrogation is not required as the investigation is complete and only their presence is required.

In view of the above, the petitioners are directed to appear before the learned trial Court within a period of 04 weeks and on their doing so, the learned trial Court shall admit them to the bail on their furnishing fresh bail bonds/surety bonds along with Rs.20,000/- as costs, for wasting the precious time of the Court to be deposited with the District Legal Services Authority, Kapurthala.

(HARPREET SINGH BRAR)
JUDGE

15.11.2023
Neha

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