

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

CRM-M No.58574 of 2023

Date of Decision:21.11.2023

Anil Mittal and another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. S.P. Arora, Advocate
for the petitioners.

Ms. Navreet Kaur Barnala, AAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.118 dated 30.10.2021 registered under Section 420 IPC at Police Station Cantt. Ferozepur, District Ferozepur (Annexure P-1).

2. After arguing for some time, learned counsel appearing for the petitioners does not press for quashing of the FIR in question and confines his prayer to the extent of seeking exemption from personal appearance of the petitioners in case the investigating agency after completion of investigation sends them for trial, as both the petitioners are residents of Rohtak and the FIR in question is registered at Police Station Cantt. Ferozepur, District Ferozepur in Punjab.

3. In view of facts and circumstances of the case and the ratio laid down by this Court in CRM-M No.25963 of 2023 titled as *Suresh Kumar and another Vs. The State of Haryana and another 2023 (2) Law Herald 1498*, in case the investigating agency files final report under Section 173 Cr.P.C. against the petitioners and sends them for trial, the personal appearance of the petitioners

before the learned trial Court is ordered to be exempted, subject to the following conditions:-

- i). Petitioners 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.
4. The instant petition stands disposed of in above terms.

(HARPREET SINGH BRAR)
JUDGE

November 21, 2023

Pankaj*

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No