

2024:PHHC:044289

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

264

CRM-M-1584-2020
Date of decision: 02.04.2024

PARDEEP SHARMA

....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Narender Pal Bhardwaj, Advocate for the petitioner.
Mr. Yuvraj Shandilya, AAG Haryana.
Mr. Ashwani Bakshi, Advocate for respondent No.2

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition filed under Section 482 Cr.P.C, prayer has been made for quashing of FIR No.0237 dated 22.09.2016 (Annexure P-1), under Sections 406, 420 and 120-B of IPC, registered at Police Station Narwaran City, District Jind, and charge sheet/challan/final investigation report dated 15.06.2018 (Annexure P-6), under Section 173 Cr.P.C, *qua* the petitioner along with all subsequent, and consequential proceedings, being malafide and being misuse of the process of law.
2. In the asking for the relief (*supra*), the issue which has been raised by the present petitioner is purely a disputed question of facts, which cannot be adjudicated by this Court, in the proceedings under exchange of affidavit.
3. On the other hand, the learned State counsel on instructions imparted to him by the official concerned submits that the charges have already been framed by the learned trial Court concerned and out of total 16 cited prosecution witnesses, 7 have already been examined.

4. In view of the supervening events, which happened during the pendency of the instant petition i.e. charges have already been framed and 7 prosecution witnesses have already been examined, this Court is not inclined to interfere in the instant petition at this stage.

5. The instant petition is, accordingly, **dismissed**, however, with liberty to the petitioner to raise all the pleas, as raised in the instant petition, before the learned trial Court concerned, at the appropriate stage of the trial.

6. At this stage, the learned counsel for the petitioner submits that the petitioner was granted exemption from personal appearance vide interim order passed by this Court on 14.9.2023 and, therefore, the interim order (supra) be made absolute.

7. This prayer cannot be accepted. Since the main petition has already been **dismissed**, therefore, it is directed that in case the petitioner files an appropriate application before the learned trial Court concerned for the relief of exemption from personal appearance, the learned trial Court concerned shall consider the same most sympathetically and in accordance with law as well as taking into account all the mitigating circumstances and also keeping in view the fact that this Court had already granted the relief of exemption from personal appearance of the petitioner.

(KULDEEP TIWARI)
JUDGE

02.04.2024
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No