

**CRM-M-2487-2024**  
**Date of decision: 18.01.2024**

**...PETITIONER**

RAJINDER KUMAR GARG

## ...RESPONDENT

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

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**HARPREET SINGH BRAR J. (ORAL)**

Learned counsel for the petitioner wishes to withdraw the present petition and confines his prayer to the extent that personal appearance of the petitioner be exempted as the petitioner is senior citizen and is suffering from heart disease, as discernible from his medical report (Annexure P-4).

Keeping in view the facts and circumstances of the case and keeping in view the age of the petitioner and that he is resident of Barnala and the trial of the case is pending before the jurisdictional Magistrate at Chandigarh. As such, attending each and every date of hearing before the trial Court would cause the petitioner inconvenience and hardship.

The instant petition is dismissed as withdrawn.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 his identity as accused;
- iv) shall have no objection if the prosecution evidence is recorded in his 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.

January 18, 2024  
manisha

(HARPREET SINGH BRAR)  
JUDGE

- |      |                           |        |
|------|---------------------------|--------|
| (i)  | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable        | Yes/No |