

2024:PHHC:049021

233IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-3543-2021 (O&M)
Date of Decision: 10.04.2024

HARBANS SINGH AND ANOTHER

...Petitioners

V/S

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Amit Bansal, Advocate for
Mr. Hardip Singh, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Sukesh Kumar Jindal, Advocate
for respopndent No. 2/complainant.

HARPREET SINGH BRAR J. (Oral)

Present petition has been filed under Section 482 of Cr.P.C. seeking quashing of the FIR No. 0050 dated 12.08.2020 registered under Sections 323/406/498-A/506 of Indian Penal Code registered at Police Station Krishna Gate, Thanesar, District Kurukshetra and all further proceedings arising out of the same.

Learned counsel for the petitioners submits that during the pendency of present petition, petitioner No. 1 has unfortunately passed away and he seeks permission for withdrawing the present petition with liberty to raise all the pleas raised in the present petition before the learned trial Court at the appropriate stage, qua petitioner No. 2.

In view of the above, present petition stands abated qua petitioner No. 1 and stands dismissed as withdrawn with liberty as aforesaid, qua petitioner No. 2.

Learned counsel for the petitioners further submits that petitioner No. 2 is residents of Chandigarh and trial of the case is progressing at Kurukshetra and attending trial on each and every date would cause great hardship and inconvenience to petitioner No. 2.

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 No. 2 before the learned trial Court is ordered to be exempted, subject to the following conditions:-

- (i) petitioner No. 2 shall be represented through his counsel;
- (ii) shall not delay/stall the proceedings;
- (iii) shall not dispute his identity;
- (iv) shall has no objection if the prosecution evidence is recorded in his absence but in the presence of his counsel;
- (v) shall appear before the Court as and when required; and
- (vi) any other condition, which the Court below may impose.

10.04.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No

AJAY GOSWAMI
2024.04.10 17:03
I attest to the accuracy and
authenticity of this order/judgment