

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

105

CRM-M-4684 of 2021

DATE OF DECISION :- 05.04.2024

Gurdyal Singh and another

...Petitioners

Versus

Isha Dhawan

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Lajpat Rai Sharma, Advocate for the petitioners.

Mr. Manan Kheterpal, Advocate
for Mr. Nakul Sharma, Advocate for respondent.

SUMEET GOEL, J. (Oral)

At the outset, learned counsel for the petitioners has submitted that petitioner No. 1-Gurdyal Singh has since passed away. He has accordingly prayed that the present petition be dismissed as having become infructuous qua petitioner No. 1-Gurdyal Singh.

The present petition is dismissed as having become infructuous qua petitioner No. 1-Gurdyal Singh.

Learned counsel for petitioner No. 2, seeks permission to withdraw the present petition in light of dicta of judgment of this Court in '*Jaspal Kaur @ Pinki and another versus State of Punjab and others*' passed in CRM-M-19553 of 2023 with liberty to avail remedy(s) as available in law.

In case petitioner No. 2 chooses to join the proceedings in accordance with law, her personal appearance shall remain exempted subject to the following conditions: -

- (i) she will be represented by a counsel;
- (ii) she will not delay/stall the proceedings of the trial Court;
- (iii) she will not dispute her identity as accused;
- (iv) she will have no objection if the petitioner evidence is recorded in her absence but in presence of her counsel;
- (v) she will appear before the trial Court as and when required by the trial Court and any other condition which the trial Court may impose.

The petitioner shall file an affidavit before the concerned trial Court stipulating above conditions.

The main petition is dismissed as withdrawn with the above said direction(s).

(SUMEET GOEL)
JUDGE

05.04.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No