

2024:PHHC:051718

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IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-4690-2023 (O&M)
Date of Decision: 18.04.2024

GURDARSHAN KHERA AND ANOTHER

...Petitioners

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Salil Dev Singh Bali, Advocate and
Mr. Rajender Yadav, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

HARPREET SINGH BRAR J. (Oral)

Present petition has been filed under Section 482 of Cr.P.C. seeking quashing of the FIR No. 134 dated 19.08.2022 registered under Sections 406, 498-A and 506 of Indian Penal Code at Police Station City Jalalabad, District Fazilka and all subsequent proceedings arising therefrom.

Learned counsel for the petitioners seeks permission for withdrawing the present petition with liberty to raise all the pleas taken in the present petition at the appropriate stage during the course of the trial. Learned counsel further submits that attending trial on each and every date would cause great hardship and inconvenience to the petitioners and prays for personal exemption of the petitioners from the trial of the case.

In view of the above, present petition stands dismissed as withdrawn with liberty as aforesaid.

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 petitioners

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

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

18.04.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No