



220 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRR-305-2020 (O&M)
Date of Decision: 24.07.2024

ARSHAD AND OTHERS

...Petitioners

V/S

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Mohd. Arshad , Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Sarfaraj Hussaion, Advocate
for respondent No. 2.

HARPREET SINGH BRAR J. (Oral)

1. Present revision petition has been filed against the impugned order dated 21.01.2020 passed by learned Additional Sessions Judge, Nuh in FIR No. 205 dated 14.05.2019 registered under Sections 148, 149, 323, 506, 328, 498-A of Indian Penal Code at Police Station Ferozepur Jhirka, District Nuh, Mewat in CIS No. 543/2019 titled as *State Vs. Murtaza and Another*.

3. Learned counsel for the petitioners, after arguing for some time, wishes to withdraw the present petition and seeks liberty to take all the pleas raised in the present petition at the appropriate stage during the course of trial. However, learned counsel for the petitioners further submits that petitioners are distinct relatives of husband of respondent No. 2 and attending trial on each and every date would cause great hardship and inconvenience to them. Therefore,



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he prays for exemption from personal appearance of the petitioners from the trial Court.

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 In view of the above, present revision petition stands dismissed as withdrawn with liberty as aforesaid.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

24.07.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No