

CRM-M-10418-2024
Date of decision: 29.02.2024

Harbhajan Kaur KheraPetitioner

Versus

Gurmail Singh and another ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Gursimran Singh Madaan, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. challenging complaint bearing No. COMI/30/2019 dated 30.04.2019 (Annexure P-1) titled as 'Gurmail Singh Vs. Manial and others' pending in the Court of learned JMJC Ellenabad, District Sirsa under Sections 420/467/468/511/199/200 of IPC read with Sections 120-B/34 of IPC and Section 82 of the Registration Act, 1908 and further Section 14-A of the Foreigners Act (FENA Act, 1999) & 12 (1-B) of Passports Act, 1967 along with subsequent proceedings arising therefrom including order dated 25.07.2023 (Annexure P-4).

Learned counsel for the petitioner wishes to withdraw the present petition with liberty to raise all the pleas taken in the present petition before the learned trial Court at appropriate stage. However, he confines his prayer to the extent of seeking exemption of the petitioner from personal appearance before the learned trial Court as the petitioner is 71 years old lady and attending trial

on each and every date would cause great hardship and inconvenience to her.

The instant petition is dismissed as withdrawn with the liberty aforesaid.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 petitioner before the learned trial Court is ordered to be exempted, subject to the following conditions:-

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

(HARPREET SINGH BRAR)
JUDGE

29.02.2024
Neha

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No