



220 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-7348-2022 (O&M)
Date of Decision: 14.11.2024

SURESH KUMAR GUPTA

...Petitioner

V/S

STATE OF HARYANA

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Neha Matharoo, Advocate and
Mr. Mandeep Singh, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Sunil Chaudhary, Advocate
for the complainant/respondent No. 2.

HARPREET SINGH BRAR J. (Oral)

The petitioner is seeking quashing of FIR No. 148 dated 09.11.2021 registered under Sections 341, 354-A, 506 and 509 of Indian Penal Code at Police Station Women, Sector-5, Panchkula.

Learned counsel for the petitioner 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 petitioner confines his prayer to the effect that petitioner is a senior citizen and suffering from physical disability to the extent of 52% as discernible from Annexure P-2 and attending trial on each and every date would cause great hardship and inconvenience to him. Therefore, he prays for exemption from personal appearance of the petitioner from the trial Court.

4. In view of the above, present petition stands dismissed as withdrawn with liberty as aforesaid.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 petitioner before the learned trial Court is ordered to be exempted, subject to the following conditions:-

- (i) petitioner shall be represented through his counsel;
- (ii) shall not delay/stall the proceedings;
- (iii) shall not dispute his identity;
- (iv) shall have 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.

14.11.2024

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No