



CRM-M-7770-2020(O&M) and one more case

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227 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

1. CRM-M-7770-2020(O&M)
Date of Decision: 18.09.2024
SUKHBIR SINGH

...Petitioner

V/S

RAJBIR KAUR

...Respondent

2. CRM-M-46784-2020(O&M)
Date of Decision: 18.09.2024
CHARANJIT KAUR AND OTHERS

...Petitioners

V/S

RAJBIR KAUR

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Damanjeet Singh Batalvi, Advocate with
Mr. H.S. Sandhu, Advocate
for the petitioner(s).

Ms. Geeta Sharma, DAG Haryana.

HARPREET SINGH BRAR J. (Oral)

1. Prayer(s) in the present petitions filed under under Section 482 of Cr.P.C. is for quashing of criminal complaint and summoning order dated 01.03.2019 passed by learned Judicial Magistrate Ist Class, Gurdaspur with regard to criminal complaint No. 48 of 2018 dated 05.03.2018 under Sections 354, 323, 324, 506, 148 and 149 of Indian Penal Code titled as "***Rajbir Kaur Vs. Rajwant Singh and Others***" and also the impugned order dated 16.01.2020 passed by learned Additional Sessions Judge, Gurdaspur, vide which revision filed against the summoning order was dismissed.

2. Learned counsel for the petitioner(s) wishes to withdraw the present



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petitions and seeks liberty to take all the pleas raised in the present petitions at the appropriate stage during the course of trial. However, learned counsel for the petitioners confines his prayer to the effect that some of the petitioners in the present petitions are household ladies and petitioners No. 4 and 5 in CRM-M-46784-2023 are senior citizens, whereas the only petitioner in CRM-M-7770-2020 is *Sarpanch* of the village and has no concern with the dispute between the parties and attending trial on each and every date would cause great hardship and inconvenience to them. Therefore, he prays for exemption from personal appearance of the petitioners from the trial Court.

3. In view of the above, both the present petitions stand dismissed as withdrawn with liberty as aforesaid.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) petitioner 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.

(HARPREET SINGH BRAR)
JUDGE

18.09.2024
Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No