

CRM-M-10647-2024
Date of decision: 29.02.2024

Balwinder Singh and anotherPetitioners

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. S.S. Khaira, Advocate
for the petitioners.

Mr. Subhash Godara, Addl.A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.0002 dated 11.02.2020 under Sections 447/434/506/34 of IPC registered at Police Station Shri Hargobindpur, District Batala (Annexure P-1) along with subsequent proceedings arising therefrom.

Learned counsel for the petitioners 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 petitioner No.2 from personal appearance before the learned trial Court as petitioner No.2 is a household lady and agriculturalist and attending trial on each and every date would cause great hardship and inconvenience to her and also affect livelihood of the petitioners.

The instant petition is dismissed as withdrawn with the liberty aforesaid.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 petitioner No.2 before the learned trial Court is ordered to be exempted permanently, subject to the following conditions:-

- i) petitioner No.2 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