

227 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RAGHUBIR SINGH
V/S
...PETITIONER

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Prayer in the present petition filed under section 482 Cr.P.C. is for quashing of FIR No.99 dated 19.04.2014 registered under Section 406, 498-A, 323 IPC at Police Station Mandi Gobindgarh, District Fatehgarh Sahib (Annexure P-1).

2. Learned State counsel, at the outset, submits that the quashing filed by the wife of petitioner on merits has already been dismissed by this Court and the trial of the case has made substantial progress as 10 prosecution witnesses have already been examined.

3. Faced with the situation, learned counsel for the petitioner wishes to withdraw the present petition and seeks liberty to raise all the pleas taken in the present petition before the learned trial Court, at the appropriate stage during the trial. However, he confines his prayer to the extent that petitioner is 73 years of age and attending the trial on each and every date would cause great inconvenience and hardship to him as he is a resident of Ludhiana and trial of the FIR (supra) is progressing in District Fatehgarh Sahib.

4. The instant petition is dismissed as withdrawn with the liberty as prayed for. 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 trial proceedings;
- iii) shall not dispute his identity as accused;
- 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 trial Court as and when required; and
- vi) any other condition, which the trial Court may impose.

April 09, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |