

CRM-M-11669-2024
Date of decision: 05.03.2024

Raghbir Singh and othersPetitioners

Versus

Jasbir Kaur ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Akash Manocha, Advocate
for the petitioners.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of of complaint bearing No. COMI/59/2020 titled as 'Jasbir Kaur Vs. Raghbir Singh and others' as well as summoning order passed by Judicial Magistrate 1st Class, Kapurthala dated 24.11.2023, whereby, the petitioners have been wrongly and illegally summoned to face trial under Sections 323/325/509/148 read with Section 149 of IPC.

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 the petitioners from personal appearance before the learned trial Court as petitioners No.2 & 4 are household ladies and are unnecessarily entangled into the present case and petitioners No.1 & 5 are 65 and 69 years of age, respectively and attending trial on each and every date would cause great hardship and inconvenience to them.

The instant petition is dismissed as withdrawn with the liberty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 petitioners, except petitioner No.3, before the learned trial Court is ordered to be exempted, subject to the following conditions:-

- i) petitioners shall be represented through their counsel;
- ii) shall not delay/stall the trial proceedings;
- iii) shall not dispute their identity as accused;
- 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 trial Court as and when required; and
- vi) any other condition, which the trial Court may impose.

(HARPREET SINGH BRAR)
JUDGE

05.03.2024
Neha

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