

CRM-M-12161-2024
Date of decision: 07.03.2024

Ghanshyam BhardwajPetitioner

Versus

State of Haryana and another ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rajat Sheokand, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.277 dated 06.08.2023 (Annexur P-1) under Sections 420/467/468/471 of IPC registered at Police Station Julana, District Jind, in which Section 201 of IPC has been added later on by the police, final report under Section 173 Cr.P.C. dated 19.09.2023 (Annexure P-3) and all the subsequent proceedings arising out of the same *qua* the petitioner.

Learned counsel for the petitioner 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 petitioner from personal appearance before the learned trial Court as the petitioner is the resident of Delhi, whereas, the trial is pending at Jind and attending trial on each and every date would cause great hardship and inconvenience to him.

The instant petition is dismissed as withdrawn with the liberty aforesaid.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 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.

(HARPREET SINGH BRAR)
JUDGE

07.03.2024
Neha

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