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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-14553-2024

Date of decision: 22.03.2024

Joginder Pal Sharma

....Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vivek Arora, Advocate
for the petitioner.

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.07 dated 18.01.2007 under Sections 419/420/467/468/471/120-B of IPC and Section 82 of Indian Registration Act, registered at Police Station Phase VIII, Mohali case titled as 'State of Punjab Vs. Joginder Pal Sharma' pending before the learned Judicial Magistrate 1st Class, Mohail.

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 resident of Chandigarh and trial of his case is progressing at Mohali, therefore, 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dismissed as withdrawn with the liberty aforesaid.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

22.03.2024
Neha

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