

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14117-2024 (O&M)
Date of decision: 18.03.2024

Jasminder Singh Ghuman

... Petitioner

Vs.

State of Punjab and anr.

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ranjan Lakhanpal, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.06 dated 18.01.2019 under Sections 279, 337, 338, 427 of IPC, registered at Police Station Sudhar, District Ludhiana Rural and the subsequent proceedings initiated thereupon.

2. 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 that the petitioner is 83 years of age and attending trial on each and every date would cause great inconvenience and hardship to him and prays that personal appearance of the petitioner before the learned trial Court may be exempted.

3. In view of the above, the instant petition is dismissed as withdrawn with the liberty aforesaid.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.*

4. Since the FIR was registered in the year 2019 and till date, the prosecution has not examined all of its witnesses and it violates the fundamental right of the petitioner under Article 21 of the Constitution of India, which ensure speedy trial, the learned trial Court is requested to expedite the trial.

[HARPREET SINGH BRAR]
JUDGE

18.03.2024
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No