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

CRM-M-15125-2024

Date of decision: 01.04.2024

Manminderpal Singh

....Petitioner

Versus

UT of Chandigarh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Dr. Rau PS Girwar, Advocate
for the petitioner.

Mr. Munish Bansal, P.P., with
Ms. Diksha Sharma, Advocate
for respondent No.1-U.T. Chandigarh.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.10 dated 09.01.2024 under Section 376 of IPC registered at Police Station Sector 39, Chandigarh (Annexure P-7) and all subsequent proceedings arising therefrom.

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 employed in Punjab State Power Corporation Limited (PSPCL), Mohali and the trial of the case is pending at Chandigarh, 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 The instant petition is dismissed as withdrawn with the liberty aforesaid.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

01.04.2024
Neha

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