



CRM-M-2684-2013 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(202)

CRM-M-2684-2013 (O&M)
Date of Decision : 05.11.2024

Pawan Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Ashwani Talwar, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

Mr. G.C. Shahpuri, Advocate
for respondent No.2.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, as cast under Section 482 of Cr.P.C.,
the petitioner craves for the hereinafter extracted relief(s):-

*“Quashing of the FIR No.357 dated 22.09.2008
(Annexure P-1), under Sections 420, 467, 468 and 471 of
the IPC, 1860, registered at Police Station Jagadhri,
District Yamuna Nagar, along with all the subsequent
proceedings arising therefrom.”*

2. Learned counsel for the petitioner, on asking for the relief
(supra), submitted that the petitioner is neither a party to the civil suit, as
instituted in the name of legal representative(s) of Atma Ram, against the
complainant Milap Singh and others, nor the petitioner is a party to the sale
deed or agreement in question. He further submits that the petitioner is not
even a beneficiary to any of the transactions in that regard. While referring



towards power of attorney (Annexure P-3), he submits that he is only a tenant upon the land in question and the FIR (supra), has been registered as a counter-blast to an earlier FIR.

3. Finally, learned counsel for the petitioner submits that the issue, which has been raised, although, can be considered by this Court, under Section 482 of Cr.P.C., however, since the document, which has been produced before this Court, requires to be adduced and appreciated by the learned trial Court concerned, therefore, he is not pressing the main prayer, rather, on account of the advancement of the petitioner, that he is more than 70 years of age, he limits his prayer only to the extent that the petitioner may be granted permanent personal exemption from appearing before the learned trial Court concerned.

4. The submissions made by the learned counsel for the petitioner seems to be *bona fide* and innocuous. Even, the learned counsel for the complainant, raises no objection to the second prayer, as made by the learned counsel for the petitioner. However, he further submits that the petitioner has a liberty to file an application, before the learned trial Court concerned, for the asked for relief.

5. This Court has considered the submissions made by the learned counsel for the parties concerned.

6. The instant petition is pending since 2013, and further proceedings before the learned trial Court concerned, were also ordered to be stayed. The presence of the petitioner-accused, on each and every date, before the learned trial Court concerned, is not necessary, and he can be represented through his counsel, and relegating the present petitioner again to the learned trial Court concerned, for seeking the relief of permanent



exemption, would again consume a lot of time, to decide the application by the latter, and would further delay the conclusion of the trial. Therefore, this Court deems it fit and appropriate to accept the second prayer, as made by the learned counsel for the petitioner. Accordingly, the instant petition is **disposed of**. The petitioner is hereby granted the permanent exemption from causing his personal appearance, and appear through his counsel, in the trial launched in the FIR (supra), before the learned trial Court concerned, however, with the conditions extracted hereinafter :-

- (a) As and when directed by the learned trial Court concerned, the petitioner will cause appearance before it, without any default;*
- (b) The petitioner will never take the plea of recalling of any witness examined in his absence, but in the presence of his counsel;*
- (c) The petitioner will forthwith deposit his passport before the learned trial Court concerned and will not leave the country without prior permission of the Court concerned.*

7. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(KULDEEP TIWARI)
JUDGE

November 05, 2024
Manpreet

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