

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17186-2022 (O&M)
Date of order: 14.05.2024

Laxman Singh @ Lachman Singh
... Petitioner(s)
Versus
State of Punjab & another
...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. K.S. Dadwal, Advocate
for the petitioner(s).

Mr. Sukhdev Singh, AAG, Punjab.

Mr. Bhriagu Dutt Sharma, Advocate
for respondent no.2.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
15	23.2.2016	Sadar, Kapurthala, District Kapurthala	453, 454, 427, 380 IPC.

1. The petitioner, arraigned as accused in the above captioned FIR, has come up before this Court under Section 482 CrPC for quashing of the FIR and all consequential proceedings including report under Section 173 CrPC and order dated 2.8.2016 passed by Additional Chief Judicial Magistrate, Kapurthala on the ground that one of the co-accused, who was petitioner’s son, has been acquitted by the trial Court.
2. Counsel for the respondent no.2-complainant submits that the judgment of acquittal of petitioner’s son has been challenged before the Sessions Court and the same is still pending and as such, this Court cannot draw an inference that the matter is finally closed. He further submits that the petitioner being father of one of the accused was fully aware of the pending proceedings, but despite that, he did not appear. Initially, although the other accused was also declared as proclaimed offender but he surrendered and faced trial but the petitioner did not do so, though he was aware of the proceedings. It casts aspersions on the conduct of the petitioner.



3. Counsel for the petitioner submits that the petitioner has now come up on his own without any coercive steps to show his *bona fide* and he wants to abide by all the directions which the Court may pass. He further submits earlier also, the petitioner had come up before this Court and he was given the relief by this Court vide order dated 30.3.2022 passed in CRM-M-6946-2022 (Annexure P-7).

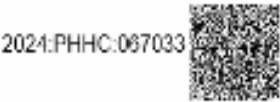
4. At this stage, facing stiff opposition from the complainant, the petitioner's counsel submits that for the time being, he will be contended and satisfied if he is permitted to file an application for discharge and the trial Court is directed to revert to each and every point raised by him in his such application and further, the petitioner be exempted to appear in person till the decision of the application. In case the Court proceeds further to frame charges, the petitioner be permitted to appear through his counsel and he will not claim any prejudice in this regard at any stage.

5. Counsel for the complainant submits that he has a very good case and the petitioner is likely to be charged, as such, he be directed to appear in person.

6. I have heard counsel for the parties.

7. Be that as it may, ends of justice will be met with the following order:-

- i) Petitioner is permitted to appear before the trial Court through his counsel subject to the condition that he shall not claim any prejudice in this regard at any stage and trial Court shall not insist for petitioner's personal appearance except when his presence is required. It is clarified that trial Court shall provide enough time to the petitioner to appear in case his personal appearance is required;
- ii) In case the petitioner files an application for discharge within 15 days from today through his counsel, provided that such application is precise and not lengthy, the trial Court shall revert to every point raised in such application and pass a reasoned order thereon;
- iii) In case the trial Court proceeds to frame charges, it shall consider that the petitioner can be permitted to appear through video conferencing and it shall pass an order in this regard;
- iv) The petitioner shall be at liberty to avail all his statutory remedies in accordance with law.
- v) It shall also be permissible for the complainant to appear through his counsel, if so desired.



8. Let the petitioner file an application for discharge before 28.05.2024 with an advance copy to the complainant and appear through his counsel before the trial Court on the next date of hearing, which complainant’s counsel states to be 28.05.2024.
9. Given above, the petition is disposed of. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

May 14, 2024
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No