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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18377-2024 (O&M)
Date of decision: 16.04.2024

Rohitash Kumar

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Aditya Verma, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.121 dated 17.08.2018 under Sections 323, 406, 498-A, 506 of IPC, registered at Police Station Panjokhra, District Ambala and all the subsequent proceedings initiated thereupon.
2. Learned counsel for the petitioner, *inter alia*, contends that FIR (*supra*) was registered on 17.08.2018 and charges were framed on 12.02.2019. Thereafter, first date for recording the prosecution evidence was fixed for 29.03.2019 and till date, the prosecution has availed 21 opportunities and out of that, 13 opportunities were effective. Out of 12 prosecution witnesses cited, not even a single witness has been examined till date. On the other hand, the complainant and her father are regularly appearing before learned Family

Court in the proceedings initiated under Section 125 Cr.P.C. and The Guardians and Wards Act, 1890. Keeping in view the aforementioned facts and circumstances, on 16.02.2023, the petitioner moved an application under Section 350 Cr.P.C. read with Section 174 of IPC before the learned trial Court. The said application is pending for more than one year and even after availing six opportunities for filing the reply to the application, same has not been filed till date.

3. Having heard learned counsel for the petitioner and keeping in view the inconvenience being caused to the petitioner due to inordinate delay in conclusion of the trial, 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***, this Court finds it to be a fit case to grant exemption from personal appearance of the petitioner before the learned trial Court.

4. Accordingly, the present petition is disposed of and personal appearance of the petitioner before the learned trial Court is 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.*

5. The petitioner would be at liberty to pursue the application filed by him on 16.02.2023 and also to raise all the pleas taken in the present petition before the learned trial Court.

16.04.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No