



109

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-750-2024 (O&M)
Date of decision: 22.05.2024

Dalbara Ram

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rakesh Kumar, Advocate and
Mr. Tushar Sharma, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

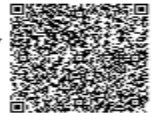
CRM-16876-2024

1. Present application has been filed under Section 5 of the Limitation Act for condonation of delay of 75 days in filing the revision petition.

2. In view of the averments made in the application, same is allowed and delay of 75 days in filing the revision petition is condoned.

CRR-750-2024

3. Present revision petition has been preferred against the impugned order dated 02.11.2023 passed by learned Additional District and Sessions



Judge-V, Jalandhar, vide which application for discharge of the petitioner in FIR No.41 dated 25.04.2023 under Sections 302, 307, 460, 354, 354-D of IPC and Sections 27/29/54/59 of Arms Act, registered at Police Station Mehatpur, District Jalandhar Rural, was dismissed.

4. Learned counsel for the petitioner wishes to withdraw the present revision petition and seeks liberty to raise all the pleas taken in the present petition at the appropriate stage during the course of trial. However, he confines his prayer to the extent that the petitioner is 49 years of age and is suffering from various ailments and he has been implicated in the FIR (*supra*) with the aid of Section 29 of Arms Act, otherwise no other overt or specific role has been assigned to him and attending the trial on each and every date would cause great inconvenience and hardship to him and prays that personal appearance of the petitioner before learned trial Court may be exempted.

5. In view of the above, instant petition is disposed of 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***, personal appearance of the petitioner before 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.

22.05.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No