

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

CRM-M-18619-2024
Date of decision: 19.04.2024

Jaswant Singh and othersPetitioners

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Gaurav Singla, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of impugned summoning order dated 22.02.2022 (Annexure P-1) passed by the learned SDJM Dera Bassi, whereby, an application filed by respondent No.2 under Section 319 of Cr.P.C. for summoning of the petitioners as an additional accused has been allowed.

Learned counsel for the petitioners 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 during the course of trial. However, he confines his prayer to the extent of seeking exemption of the petitioners from personal appearance before the learned trial Court as petitioners No.1 & 2 are father-in-law and mother-in-law of respondent No.2, respectively and they are senior citizens and petitioner No.3 is the brother-in-law of respondent No.2 and they have absolutely no involvement in the marital affairs of respondent No.2, therefore, attending trial on each and every date would cause great hardship and

inconvenience to them as well as affect their livelihood as the petitioners are residents of District Patiala and the trial of the complaint (*supra*) is pending in District SAS Nagar, Mohali.

The instant petition is dismissed as withdrawn with the liberty aforesaid.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 petitioners before the learned trial Court is ordered to be exempted, subject to the following conditions:-

- i) petitioners shall be represented through their counsel;
- ii) shall not delay/stall the trial proceedings;
- iii) shall not dispute their identity as accused;
- iv) shall have no objection if the prosecution evidence is recorded in their absence but in the presence of their 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

19.04.2024
Neha

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