

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

123-2

CRM-M-19349-2024

Date of Decision : July 09, 2024

KAMAL SINGH AND ORS.

-PETITIONERS

V/S

STATE OF HARYANA AND ANR

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Pratham Sethi, Advocate
for the petitioners.

Mr. Rajesh Gaur, Addl. A.G., Haryana.

KULDEEP TIWARI, J. (ORAL)

1. At the very outset, the learned counsel appearing for the petitioners submits that, since disputed questions of fact(s) are involved in the instant petition, which can only be adjudicated by the learned trial Court concerned at an appropriate stage, therefore, he does not want to press the instant petition.
2. However, the learned counsel for the petitioners made a prayer that, since the petitioners have been falsely implicated in the present criminal complaint, inasmuch as, it is a clear cut case of use of force by petitioners in self defence, therefore, the petitioners may be granted exemption from personal appearance before the learned trial Court concerned. He further submits that the petitioners would have no objection, in case the complainant's evidence is recorded in their absence and in the presence of their counsel(s) concerned.
3. This Court posed a specific query to the learned counsel for the

petitioners as to whether any application for exemption from personal appearance has been moved by the petitioners before the learned trial Court concerned or not, whereupon, the latter replied in negative.

4. Consequently, when no exemption application has been preferred by the petitioners before the learned trial Court concerned, therefore, this Court is unable to accept the prayer made by the learned counsel for the petitioners regarding personal exemption from appearance. However, the learned trial Court concerned is directed to, in case the petitioners file any such application for exemption from personal appearance, consider and decide the same in a sympathetic manner.

5. Moreover, as further prayed for by the learned counsel for the petitioners, liberty is also reserved to the petitioners to raise all the pleas and claims, as raised before this Court, before the learned trial Court concerned at an appropriate stage.

6. Disposed of accordingly.

July 09, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No