

CRM-M-21133-2024
Date of decision: 07.05.2024

Rattan Lal and anotherPetitioners

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ravi Malholtra, Advocate
for the petitioners.

Mr. Subhash Godara, Addl.A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of DDR No.17 dated 28.12.2020 under Sections 452/323/427/148/149 of IPC in FIR No.0175 dated 28.12.2020 under Sections 452/354/323/341/506/34 of IPC registered at Police Station Lambra, District Jalandhar Rural along with all consequential proceedings arising therefrom.

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 petitioner No.1 is a senior citizen suffering from various ailments and petitioner No.2 is a student, therefore, attending trial on each and every date would cause great hardship and inconvenience to them as well as would also hamper studies of petitioner No.2.

The instant petition is dismissed as withdrawn with the liberty aforesaid.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

07.05.2024
Neha

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