



114 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23228-2024
Date of decision: 09.05.2024

Surinder Singh and anotherPetitioners

Versus

Daljit Kaur ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Naveen Batra, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. seeking issuance of directions to the learned trial Court to conclude the trial in a time bound manner in complaint bearing COMI No.20/2018 dated 25.07.2018 titled as 'Daljit Kaur Vs. Surinder Singh and others' under Sections 323/324/427/148/149/354-B/34 of IPC (Annexure P-1) pending before the learned Judicial Magistrate 1st Class, Garhshankar, District Hoshiarpur.

Learned counsel for the petitioner *inter alia* contends that the petitioners have been falsely implicated in the present case by concealing the material facts and concocting the story and the FIR in question was lodged after a delay of 19 days. He further submits that the perusal of the zimini orders clearly indicates that from the date of summoning, the matter has been dilly-dallying and now is fixed for 13.05.2024 and more than six years have been passed, the petitioners have been harassed on false and frivolous allegations.

Learned counsel for the petitioners wishes to withdraw the present



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petition with liberty to raise all the pleas taken in the present petition before the learned trial Court at appropriate stage. 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 and suffering from Asthma, therefore, attending trial on each and every date would cause great hardship and inconvenience to them as well as affect their livelihood.

The instant petition is dismissed as withdrawn with the liberty aforesaid.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

09.05.2024

Neha

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