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**IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH****CRR-1231-2023 (O&M)****Date of Decision: 21.08.2024****BRIJESH MISHRA AND ANOTHER****...Petitioners****V/S****STATE OF HARYANA****...Respondent****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Arnav Ghai, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

**********HARPREET SINGH BRAR J. (Oral)**

1. Present revision petition has been filed against the impugned order dated 19.04.2023 passed by learned Additional Sessions Judge, Sonipat vide which learned Court below has summoned the petitioners as additional accused to face trial under Sections 498-A, 315, 304-B of Indian Penal Code in alternate under Section 302 of IPC in case bearing FIR No. 257 dated 16.05.2022 registered under Sections 304-B, 498-A, 302 and 315 at Police Station Civil Lines Sonipat, District Sonipat.

3. Learned counsel for the petitioners wishes to withdraw the present petition and seeks liberty to take all the pleas raised in the present petition at the appropriate stage during the course of trial. However, learned counsel for the petitioners confines his prayer to the extent that petitioners are father-in-law and mother-in-law of the complainant and attending trial on each and every date would cause great hardship and inconvenience to them. Therefore, he prays for exemption from personal appearance of the petitioners from the trial Court.



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4. In view of the above, present revision petition stands dismissed as withdrawn with liberty as aforesaid.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 proceedings;
- (iii) shall not dispute their identity;
- (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 Court as and when required; and
- (vi) any other condition, which the Court below may impose.

5. Pending CRM(s), if any, are also disposed of accordingly.

21.08.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No