

SUKHVINDER SINGH AND OTHERS

...Petitioners

V/S
STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sandeep Parkash Chahar, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

HARPREET SINGH BRAR J. (Oral)

Prayer in the present petition filed under Section 482 of Cr.P.C. is for quashing the FIR No. 212 dated 02.05.2022 registered under Sections 323, 498-A, 354, 377, 406, 506 and 34 of Indian Penal Code at Police Station Industrial, Sector 29, Panipat District Panipat.

Learned counsel for the petitioners *inter alia* submits that petitioners No. 2 to 5 have not been challaned by the Investigating Agency while filing the final report under Section 173 of Cr.P.C. and he seeks to withdraw the present petition with liberty to raise all the pleas taken in the present petition before the learned trial Court at the appropriate stage.

However, he confines his prayer to the limited extent that petitioner No.1 is resident of District Rohtak and the trial of the FIR(supra) is progressing at Panipat and attending trial on each and every date would cause great hardship and inconvenience to the petitioners.

In view of the above, the present petition is dismissed as withdrawn with liberty as aforesaid.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 petitioner No. 1 before the learned trial Court is ordered to be exempted, subject to the following conditions:-

- (i) petitioner No. 1 shall be represented through his counsel;
- (ii) shall not delay/stall the proceedings;
- (iii) shall not dispute his identity;
- (iv) shall have no objection if the prosecution evidence is recorded in his absence but in the presence of his counsel;
- (v) shall appear before the Court as and when required; and
- (vi) any other condition, which the Court below may impose.

10.04.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No