



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

CRM-M-24779-2019

Date of Decision: 28.10.2024

Ashish Garg

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Kamaldeep Singh Sidhu, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

Mr. Ashwani Bakshi, Advocate and
Mr. Harshit Kataria, Advocate
for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. Instant petition has been filed under Section 482 Cr.PC. seeking quashing of FIR No.35 dated 21.07.2018 under Sections 109/406/498-A of IPC, 1860 registered at Police Station P.S. Women, Bathinda (Annexure P-1) and all the consequential proceedings arising therefrom.

2. Learned counsel for the petitioner 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, he confines his prayer to the extent that FIR(supra) was registered in the year 2018 and even after passing of 6 years, the prosecution has failed to examine all witnesses. The petitioner is resident of Sangrur and trial of the case is progressing at Bathinda and now transferred to Mohali and would be under progress at Mohali and attending the trial on each and every date, would cause great

hardship to the petitioner. Therefore, he prays for exemption from personal appearance of the petitioner from the trial Court.

3. In view of the above, present petition stands dismissed as withdrawn with liberty as aforesaid.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 petitioner before the learned trial Court is ordered to be exempted, subject to the following conditions:-

- (i) petitioner 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.

28.10.2024
Parveen kumar

(HARPREET SINGH BRAR)
JUDGE

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