

2024:PHHC:044835

235IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-9979-2017 (O&M)
Date of Decision: 03.04.2024

HARJINDER SINGH AND OTHERS

...Petitioners

V/S

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Kishanpuri, Advocate
for Mr. Vijay Kumar, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG Punjab.

HARPREET SINGH BRAR J. (Oral)

Prayer in the present petition filed under Section 482 of Cr.P.C. is for quashing of FIR No. 20 dated 09.03.2017 registered under Sections 366, 120-B of Indian Penal Code at Police Station Sadar Fazilka, District Fazilka and all subsequent proceedings arising therefrom.

Learned counsel for the petitioners *inter alia* contends that the petitioners have been falsely implicated in the present case by the complainant. In fact, the daughter of the complainant has solemnized the marriage with petitioner No. 3 and they have approached this Court for seeking prection by filing CRM-M-8137-2017, but no role has been attributed in the FIR(supra) against petitioners No. 1 and 2 as they have played no role in enticing away the daughter of the complainant, who was major at the time of occurrence.

Learned State counsel on instructions from ASI Milkh Raj submits that petition qua petitioner No. 1 has been rendered infructuous as he has been acquitted by the learned trial Court vide judgment dated 16.10.2023 and Baljeet Singh son of Lal Singh-petitioner No. 3 has been declared as innocent and challan has been presented against Manjit Kuar-petitioner No. 2 before the

CRM-M-9979-2017 (O&M)

concerned Court on 15.02.2024. Learned State counsel submits that in view of the above, nothing remains to be adjudicated in the present petition.

Faced with the same, learned counsel for the petitioners confines his prayer to the extent that petitioner No. 2 is house hold lady and attending trial on each and every date would cause great inconvenience and hardship to her.

In view of the submission made by learned State counsel, the present petition is disposed of accordingly.

However, in view of the fact that petitioner No. 2 being lady and 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 her counsel;
- (ii) shall not delay/stall the proceedings;
- (iii) shall not dispute her identity as accused;
- (iv) shall have no objection if the prosecution evidence is recorded in her absence but in the presence of her counsel;
- (v) shall appear before the Court as and when required; and
- (vi) any other condition, which the Court below may impose.

03.04.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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