



133

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-28200-2024 (O&M)  
Date of decision: 09.09.2024

**Harpreet Singh and another**

**... Petitioners**

**Vs.**

**State of Punjab and another**

**... Respondents**

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Kirat Pal Dhaliwal, Advocate  
for the petitioners.

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**HARPREET SINGH BRAR, J. (ORAL)**

1. Present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of the impugned order dated 16.03.2024 (Annexure P-8) passed by learned learned Judicial Magistrate 1<sup>st</sup> Class, Jalandhar, in FIR No.42 dated 13.04.2021 under Sections 406 & 498-A of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Women, District Police Commissionerate Jalandhar (Annexure P-4), vide which the charges were framed against the petitioners under Sections 406, 498-A of IPC and Sections 323 & 506 of IPC and Section 4 of Dowry Prohibition Act (added later on).
2. Learned counsel for the petitioners wishes to withdraw the present petition with liberty to raise all the pleas taken in the present petition before



learned trial Court at the appropriate stage. However, he confines his prayer to the extent that petitioner No.2 is 76 years of age and he is residing in District Gurdaspur and trial of FIR (*supra*) is progressing at Jalandhar, therefore, attending trial on each and every date would cause great inconvenience and hardship to him and prays that personal appearance of petitioner No.2 before learned trial Court may be exempted.

3. In view of the above, instant petition is dismissed as withdrawn with the liberty aforesaid.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***, personal appearance of petitioner No.2 before learned trial Court is ordered to be exempted, subject to the following conditions:-

- i) he shall be represented through his counsel;*
- ii) shall not delay/stall the trial proceedings;*
- iii) shall not dispute his identity as accused;*
- 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 trial Court as and when required; and*
- vi) any other condition, which the trial Court may impose.*

09.09.2024

*vishnu*

[ HARPREET SINGH BRAR ]  
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No