

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-32495 of 2023
Date of Decision: February 07, 2024

Deepak Kumar
.....Petitioner
versus
Inderpreet Singh Walia
.....Respondent

CORAM: HON'BLE MR.JUSTICE HARPREET SINGH BRAR

Present:- Mr. S.K. Choudhary, Advocate
for the petitioner

Harpreet Singh Brar, J. (Oral)

1. The petitioner has approached this Court under Section 482 Cr.P.C. for quashing of complaint NACT 4257/2019 titled as *Inderpreet Singh vs. Deepak Kumar* pending in the Court of Judicial Magistrate 1st Class, Amritsar (Annexure P-6) alongwith summoning order dated 09.10.2019 (Annexure P-7) and all consequential proceedings arising therefrom.
2. Learned counsel for the petitioner wishes to withdraw this petition and he confines his prayer to the extent of seeking exemption of the petitioner from personal appearance before the learned trial Court on the ground that the trial of the case is pending at Amritsar and the petitioner is resident of Pathankot and for attending the trial, the petitioner suffers great hardship and inconvenience.
3. The instant petition is dismissed as withdrawn with liberty to raise all the pleas taken in the present petition at the appropriate stage during the course of the trial. 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

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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 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.

(HARPREET SINGH BRAR)
JUDGE

February 07, 2024
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No