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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32089-2024 (O&M)
Date of decision: 09.07.2024

Nishan Singh

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Gursimran Singh Madaan, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. seeking quashing of Complaint bearing CIS No.SC-174-2019 instituted on 15.10.2019 (Annexure P-7) titled as 'Harpreet Kaur Vs. Nishan Singh and others', filed in the Court of learned Additional Sessions Judge, Tarn Taran under Sections 295-A, 323, 324, 452, 506, 365, 354, 376, 511, 34, 148, 149 of the Indian Penal Code, 1860, Section 25/27/59 of Arms Act and Section 3 of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, registered at Police Station Chola Sahib and the order dated 12.03.2024 (Annexure P-8) as well as all the subsequent proceedings initiated thereupon.
2. Learned counsel for the petitioner wishes to withdraw the present petition with liberty to raise all the pleas taken in the present petition before the



learned trial Court at appropriate stage. However, he confines his prayer to the extent that the petitioner is 57 years of age and is retired police officer and he has no involvement in the private dispute between the complainant and other accused and attending trial on each and every date would cause great inconvenience and hardship to him and prays that personal appearance of the petitioner 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 In view of the above, instant petition is dismissed as withdrawn with the liberty aforesaid.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 the petitioner before 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.*

09.07.2024

vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No