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**IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH****CRR-1079-2021 (O&M)****Date of Decision: 31.07.2024****BALWAN SINGH****...Petitioner****V/S****STATE OF PUNJAB AND ANOTHER****...Respondents****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Munish Puri, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Challenge in the instant petition is to the order dated 03.03.2021 vide which the petitioner has been charged for offences punishable under Section 498-A of Indian Penal Code in FIR No. 58 dated 09.06.2020 registered at Police Station Narot Jaimal Singh District Pathankot.

2. Learned counsel for the petitioner submits that petition is serving in the Indian Army and he has been implicated in the present case as he is brother of the husband of complainant and he 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 and also seeks liberty to file application seeking discharge. However, learned counsel for the petitioner confines his prayer to the effect that petitioner being employed in Indian Army, he is generally posted in far flung areas and as such it is not be possible for him to attend the trial on each and every date. Therefore, he prays for exemption from personal appearance of the petitioner from the trial Court.

3. In view of the above, present revision petition stands dismissed as

withdrawn with liberty as aforesaid. However, in view of the ratio laid down by



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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.

31.07.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No