116 **IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

CRM-M-34507-2024
Date of decision: 24.07.2024

Pavitar Singh and another ....Petitioners

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Samriti Singh, Advocate for
Mr. B.S. Bhalla, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 528 of Bhartiya Nagarik Suraksha Sanhita 2023 seeking quashing of FIR No.81 dated 21.04.2022 under Sections 406/498-A of IPC (Annexure P-2) and challan dated 21.04.2022 (Annexure P-3) registered at Police Station Dharamkot, District Moga and all other consequential proceedings arising therefrom.

Learned counsel for the petitioners 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 of seeking exemption of the petitioners from personal appearance before the learned trial Court as petitioner No.1 is 73 years old and petitioner No.2 is 71 years old, therefore, attending trial on each and every date would cause great hardship and inconvenience to them as well as affect their livelihood.

The instant petition is dismissed as withdrawn with the liberty aforesaid. However, in view of the ratio laid down by this Court in CRM-M-

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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 their counsel;

ii) shall not delay/stall the trial proceedings;

iii) shall not dispute their identity as accused;

iv) shall have no objection if the prosecution evidence is recorded in their absence but in the presence of their 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

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

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