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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-36673-2024 (O&M)
Date of decision: 01.08.2024

Manish Adlakhs and another

... Petitioners

Vs.

State of Punjab and another

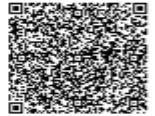
... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ashok Bhardwaj, Advocate for the petitioners.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of the order dated 20.09.2021 (Annexure P-3) passed by learned Judicial Magistrate 1st Class, Patiala, in FIR No.103 dated 25.12.2019 under Section 498-A of IPC, registered at Police Station Women Cell, Patiala, vide which charges were framed against the petitioners under Section 498-A of IPC and the order dated 11.11.2022 (Annexure P-4) passed by learned Additional Sessions Judge, Patiala, vide which the revision petition filed against the order dated 20.09.2021 was dismissed.
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 appropriate stage. However, he confines his prayer to the extent that petitioner No.1 is a disabled person and petitioner No.2 is a household lady and both are residents of New Delhi, whereas trial of the case is progressing at Patiala, therefore, attending trial on each and every date would cause great inconvenience and hardship to them and prays that personal appearance of the petitioners 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 In view of the above, instant petition is dismissed as withdrawn with the liberty aforesaid.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 petitioners before learned trial Court is ordered to be exempted, subject to the following conditions:-

- i) petitioners will be represented through their counsel;*
- ii) will not delay/stall the trial proceedings;*
- iii) will not dispute their identity as accused;*
- iv) will have no objection if the prosecution evidence is recorded in their absence but in the presence of their counsel;*
- v) will appear before the trial Court as and when required; and*
- vi) any other condition, which the trial Court may impose.*

01.08.2024

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[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No