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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-1848-2023 (O&M)
Date of decision: 09.04.2024

Parambir and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Manjinder Singh Bhullar, Advocate
for the petitioners.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision petition has been preferred against the impugned order dated 15.07.2023 passed by learned Judge, Special Court, SAS Nagar (Mohali), vide which application under Section 319 Cr.P.C. filed by respondent No.2 was partly allowed and the petitioners were summoned as additional accused to face the trial in FIR No.03 dated 07.03.2020 under Sections 376, 498-A, 494, 495 of IPC, registered at Police Station Women Cell, Mohali.

2. Learned counsel for the petitioners wishes to withdraw the present petition with liberty to raise all the pleas taken in the present petition at appropriate stage during course of the trial. However, he confines his prayer to the extent that the petitioners are senior citizens and are residents of Ferozepur

and the trial of FIR (*supra*) is pending at Mohali and as such, attending trial on each and every date would cause great inconvenience and hardship to them and prays that personal appearance of the petitioners before the learned trial Court may be exempted.

3. In view of the above, the instant petition is dismissed as withdrawn with the liberty aforesaid.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-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 the 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.*

09.04.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No