

GURMEET SINGH AND ANOTHER

...Petitioners

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sukhpreet Kaur, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG Punjab.

HARPREET SINGH BRAR J. (Oral)

This is a petition under Section 482 of Cr.P.C. seeking quashing of FIR No. 33 dated 24.05.2016 registered under Sections 498-A, 406 of Indian Penal Code at Police Station Sandaur, District Sangrur and all the subsequent proceedings arising therefrom, including the charge order/charge sheet dated 14.12.2017 passed by learned Judicial Magistrate Ist Class, Malerkotla (Annexure P-5).

Learned State counsel at the outset submits that trial of the case has made substantial progress as out of total 18 prosecution witnesses, 10 have already been examined.

Faced with the same, learned counsel for the petitioners wishes to withdraw the present petition with liberty to raise all the pleas taken in the present petition at the appropriate stage during the course of the trial. Learned counsel further prays for exempting the personal appearance of the petitioners during the course of the trial on the ground that both the petitioners are senior citizens and attending trial on each and every date would cause great inconvenience and hardship to them.

In view of the above, the present petition stands dismissed as withdrawn with liberty as aforesaid.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, 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 proceedings;
- (iii) shall not dispute their identity;
- (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 Court as and when required; and
- (vi) any other condition, which the Court below may impose.

Keeping in view the fact that the FIR(supra) was registered in the year 2016, learned trial Court is requested to conclude the trial of the case expeditiously.

04.04.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No

AJAY GOSWAMI
2024.04.04 17:20
I attest to the accuracy and
authenticity of this order/judgment