

3. Learned counsel for the petitioner wishes to withdraw the present petition and seeks liberty to press the learned trial Court for expeditious disposal of the trial, however, he submits that in spite of the fact that the case is fixed for defence evidence, the complainant has again moved an application for leading additional evidence just to delay the trial. The FIR (supra) was registered in the year 2014 and the petitioner is attending the trial on each and every date since year 2015, when the charges were framed.

4. In view of the above, the instant petition is dismissed as withdrawn with the liberty as prayed for. 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 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 trial proceedings;
- iii) shall not dispute his identity as accused;
- 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 trial Court as and when required; and
- vi) any other condition, which the trial Court may impose.

October 21, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

- | | | |
|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |