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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42444-2024 (O&M)
Date of decision: 30.08.2024

Raghbir Singh and another

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Yagsimant Attri, Advocate
for the petitioners.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.371 dated 14.09.2019 under Sections 498-A & 406 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station City Barnala, District Barnala and the order dated 28.03.2022, vide which charges have been framed against the petitioners as well as all the subsequent proceedings initiated thereupon.

2. Learned counsel for the petitioners wishes to withdraw the present petition with liberty to raise all the pleas taken in the present petition Court at the appropriate stage during course of the trial. However, he confines his prayer to the extent that the petitioners are old aged parents of husband of respondent No.2 and FIR (*supra*) was registered on 14.09.2019 and from



perusal of the zimni orders available on record as Annexure P-5, it is clearly discernible that respondent No.2 is not coming forward to depose before learned trial Court, therefore, appearance on each and every date before learned trial Court 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 In view of the above, instant petition is dismissed as withdrawn with the liberty aforesaid.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 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.*

30.08.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No