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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42924-2024 (O&M)
Date of decision: 02.09.2024

Devi Dayal and another

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Lalit Kumar Narang, 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 (earlier Section 482 Cr.P.C.) seeking quashing of FIR No.309 dated 01.08.2021 under Sections 323, 406, 498-A of IPC, registered at Police Station Baldev Nagar, Ambala, District Ambala (Annexure P-1) and the challan dated 28.10.2021 (Annexure P-2) 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 before learned trial Court at the appropriate stage. However, he confines his prayer to the extent that FIR (*supra*) was registered on 01.08.2021 and trial is getting delayed, as bailable warrants have been issued against the material witnesses, as discernible from Annexure P-8 and submits that the petitioners, who are

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father-in-law and mother-in-law of respondent No.2-complainant, are 64 years and 57 years of age, respectively and they are residents of Rajpura, District Patiala and trial of FIR (*supra*) is progressing at Ambala, 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 In view of the above, instant petition is dismissed as withdrawn with the liberty aforesaid.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 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.*

02.09.2024

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[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No