

Date of decision: 22.04.2024

...PETITIONER

V/S

...RESPONDENT

Present: Mr. Vishal Goel, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR J. (ORAL)

1. Prayer in the present revision petition is for discharging the petitioner from the charge sheet dated 05.08.2022 registered under Sections 323, 376, 377, 498-A and 506/34 IPC passed by learned Additional Sessions Judge, Jind in case bearing FIR No.10 dated 14.01.2021 registered under Sections 323, 34, 376, 377, 498-A, 506 IPC at Police Station City Narwana, District Jind.

2. Learned counsel the petitioner *inter alia* contends that the petitioner is father-in-law of the complainant and he has been dragged in the present controversy only due to personal and private spite. The allegations leveled in the FIR (supra) are far fetched and highly improbable that no prudent man would find them logical.

3. Learned counsel for the petitioner wishes to withdraw the present petition and seeks liberty to raise all the pleas taken in the present petition before the learned trial Court, at the appropriate stage during the trial.

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However, he confines his prayer to the extent that petitioner is a senior citizen and is resident of Gurugram, whereas the trial of the FIR (supra) is proceeding at Jind and attending the trial at each and every date would cause great inconvenience and hardship to him.

4. The instant petition is dismissed as withdrawn with the liberty as prayed for.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.

April 22, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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