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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-46757-2024 (O&M)
Date of decision: 20.09.2024

Shiv Partap Singh

... Petitioner

Vs.

State of Haryana and another

... Respondents

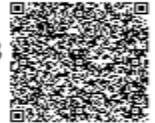
CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Namit Khurana, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking quashing of FIR No.767 dated 24.12.2019 under Sections 323, 34, 498-A, 504, 506, 406 of the Indian Penal Code, 1860, registered at Police Station Yamuna Nagar City, District Yamuna Nagar (Annexure P-1) and the subsequent proceedings initiated thereupon, including the challan (Annexure P-3).
2. Learned counsel for the petitioner 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 the petitioner is resident of Uttar Pradesh, whereas FIR (*supra*) had been registered at Police Station Yamuna Nagar City, District Yamuna



Nagar and in spite of the fact that FIR was registered on 24.12.2019 and final report under Section 193 of BNSS (*earlier Section 173 of the Code of Criminal Procedure, 1973*) was filed way back on 15.01.2023 and till date, the trial has not commenced and the case is being adjourned, due to this, the petitioner is facing lot of inconvenience and hardship in appearing before learned trial Court on each and every date of hearing and prays that personal appearance of the petitioner 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 In view of the above, instant petition is dismissed as withdrawn with the liberty aforesaid.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 petitioner before 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.*

20.09.2024
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[**HARPREET SINGH BRAR**]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No