

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-49045 of 2023
Date of Decision: February 08, 2024

Harmesh Lal Semplay
.....Petitioner
versus
State of Punjab and another
.....Respondents

CORAM: HON'BLE MR.JUSTICE HARPREET SINGH BRAR

Present:- Mr. Zorawar Singh Chauhan, Advocate
for the petitioner

Mr. Subhash Godara, Addl. A.G. Punjab

Harpreet Singh Brar, J. (Oral)

1. The petitioner has approached this Court under Section 482 Cr.P.C. for quashing of FIR No. 50 dated 03.04.2011 registered under Sections 323, 324, 326, 506, 341, 120-B IPC at Police Station Phillaur, District Jalandhar (Annexure P-1) and all consequential proceedings arising therefrom.
2. Learned counsel for the petitioner wishes to withdraw this petition and he confines his prayer to the extent of seeking exemption of the petitioner from personal appearance before the learned trial Court on the ground that the petitioner is a citizen of United Kingdom and to attend the trial physically on each and every date of hearing would cause great hardship, inconvenience and affect the livelihood of the petitioner.
3. The instant petition is dismissed as withdrawn. 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:-

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- 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.

(HARPREET SINGH BRAR)
JUDGE

February 07, 2024
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No