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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47786-2024

Date of decision: 24.09.2024

Tanveer Singh and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Sharad Mehra, Advocate
for the petitioners.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023 in case bearing FIR No.0064 dated 02.05.2024
(Annexure P-1) under Sections 406/498-A/323 of IPC registered at Police
Station Sector 9, Ambala and all consequential proceedings arising therefrom.

Learned counsel for the petitioners wishes to withdraw the present
petition with liberty to raise all the pleas taken in the present petition before the
learned trial Court at appropriate stage. However, he confines his prayer to the
extent of seeking exemption of the petitioners from personal appearance before
the learned trial Court as petitioner No.1 is working in Bangalore, whereas,
petitioners No.2 & 3 are residing in Union Territory of Jammu and Kashmir and
trial of the FIR (*supra*) is pending at Ambala, therefore, attending trial on each
and every date would cause great hardship and inconvenience to them as well
as affect their livelihood.

The instant petition is dismissed as withdrawn with the liberty

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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, the personal appearance of the petitioners before the learned trial Court is ordered to be exempted, subject to the following conditions:-

- i) petitioners shall be represented through their counsel;
- ii) shall not delay/stall the trial proceedings;
- iii) shall not dispute their identity as accused;
- iv) shall have no objection if the prosecution evidence is recorded in their absence but in the presence of their 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

24.09.2024*Neha*

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No