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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-51499-2024

Date of decision: 18.10.2024

Prince Kumar and others

...Petitioners

Versus

State of Punjab

...Respondent

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

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

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of impugned FIR No.71 dated 15.03.2019 under Sections 306/34 of IPC registered at Police Station City Kharar, District SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom including final report under Section 173 Cr.P.C. (Annexure P-3).

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 petitioners No.2 & 3 from personal appearance before the learned trial Court as petitioners No.2 & 3 are residents of Una in Himachal Pradesh and the trial is progressing at SAS Nagar, Mohali, 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The instant petition is dismissed as withdrawn with the liberty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 petitioners No.2 & 3 before the learned trial Court is ordered to be exempted, subject to the following conditions:-

- i) petitioners No.2 & 3 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

18.10.2024*Neha*

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