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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-54911-2023 (O&M)
Date of decision: 27.11.2024

Yashvardhan Rai

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Manoj Kaushik, Advocate for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

Mr. Ritesh Khatri, Advocate,
Ms. Babita Sharma, Advocate,
Ms. Deepika, Advocate,
Mr. Rishabh Bhandari, Advocate, for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') for quashing of FIR No.89 dated 26.07.2023 under Sections 498-A, 323 of the Indian Penal Code, 1860 (for short 'IPC') (Sections 406 & 506 of IPC were added later on), registered at Women Police Station Faridabad (Annexure P-1) and the final report under Section 173 of Cr.P.C. dated 20.09.2023 (Annexure P-2) as well as all the subsequent proceedings emanating therefrom.

2. Learned counsel for the petitioner wishes to withdraw the present



petition with liberty to raise all the pleas taken in the present petition at the appropriate stage during course of the trial. However, he confines his prayer to the extent that the petitioner is resident of Bhopal and trial of the case is progressing at Faridabad, therefore, attending trial on each and every date would cause great inconvenience and hardship to him 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 In view of the above, instant petition is dismissed as withdrawn with the liberty aforesaid.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) he 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.*

27.11.2024

vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No