



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

CRM-M-56341-2023 (O & M)
Date of decision: 25.07.2024

KAPIL

...PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Yogesh Jangra, Advocate for
Mr. Ashwani Bhardwaj, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Rajat Verma, Advocate for
Mr. Sushil Verma, Advocate for respondent No.2.

HARPREET SINGH BRAR J. (ORAL)

1. Present petition has been filed under Section 482 Cr.P.C. is for quashing of FIR No.152 dated 31.03.2022 registered under Sections 323, 354, 377, 406, 498-A, 506, 34 of IPC at Police Station Civil Lines Sirsa (challan presented under Sections 323, 406, 498-A, 506 IPC) along with all the consequential proceedings arising therefrom qua the petitioner.

2. Learned counsel for the petitioner wishes to withdraw the present petition and seeks liberty to raise all the pleas taken in the present petition at the appropriate stage during the course of trial and confines his prayer to the extent that the petitioner is currently working in Bank of India, Terha, District Unnao, Uttar Pradesh and trial of the case is pending at District Sirsa before learned ACJM, Sirsa and attending the trial on each and every date would cause great inconvenience and hardship to him.

3. The instant petition is dismissed as withdrawn with the liberty as prayed for. 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:-

- 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.

4. Pending application(s), if any, also stand(s) disposed of.

July 25, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |