

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.55959 of 2023 (O&M)

Date of Decision:15.01.2024

M/s Bony Polymers Pvt. Ltd. and others

... Petitioners

Versus

Haryana State Pollution Control Board

... Respondent

CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Jitender Dhanda, Advocate
for the petitioners.

Mr. Pawan Girdhar, Advocate
for respondent.

HARPREET SINGH BRAR, J. (ORAL)

CRM No.794 of 2024

Application is allowed as prayed for.

Annexure P-11 is taken on record, subject to all just exceptions.

Main Case

1. The present petition has been filed under Section 482 Cr.P.C. praying for quashing of complaint No.COMA/1646/2020 dated 21.01.2020 titled as *HSPCB Vs. M/s Bony Polymers Pvt. Ltd.* (Annexure P-6) and the summoning order dated 29.11.2021 (Annexure P-7) passed by the Special Environment Court, Faridabad qua petitioners herein.

2. After arguing for some time, learned counsel appearing for the petitioners seeks to withdraw the instant petition, however, confines his prayer to the extent that exemption from personal appearance of petitioners No.2 to 6 before the learned trial Court may be granted to them.

3. The instant petition is dismissed as withdrawn. However, keeping in view the age of petitioners No.2 to 6 and the fact that attending trial on each and every date would cause grave hardship and inconvenience to them and in view of the ratio laid down by this Court in CRM-M No.25963 of 2023 titled as *Suresh Kumar and another Vs. The State of Haryana and another 2023 (2) Law Herald 1498*, personal appearance of the petitioners No.2 to 6 before the learned trial Court is ordered to be exempted, subject to the following conditions:-

- i). Petitioners No.2 to 6 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

January 15, 2024
Pankaj*

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