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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-54408-2024 (O&M)
Date of decision: 04.11.2024

Gurbir Singh Osahan

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. G.B.S. Dhillon, Advocate and
Mr. Jaskirat Singh Arora, Advocate
for the petitioner.

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

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.39 dated
13.06.2023 under Sections 498-A & 406 of the Indian Penal Code, 1860,
registered at Police Station Women Cell, Amritsar, District Amritsar (Annexure
P-1) and the report under Section 173 of Cr.P.C. (Annexure P-8) as well as all
the subsequent proceedings initiated thereupon.

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 course of the trial. However, he confines his prayer to

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the extent that the petitioner is working in Merchant Navy, as such, appearing before learned trial Court on each and every date would cause great inconvenience and hardship to him and it will also affect his job and the petitioner will lose his only source of livelihood and thus, 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 In view of the above, instant petition is dismissed as withdrawn with the liberty aforesaid.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) 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.*

04.11.2024
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[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No