

2024:PHHC:001086
**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M-58443-2023
Date of Decision: 08.01.2024

RISHI TAKKAR

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Kiran Kumar Madan, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

Mr. L.S. Lakhanpal, Advocate
for Mr. Jayanti Prasad-father of the complainant-deceased.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Prayer in the present petition is for setting aside the order dated 01.09.2023 passed by the Judicial Magistrate, 1st Class, Jalandhar (Annexure P-9) whereby the request of the petitioner/accused was declined for granting him exemption from personal appearance.
2. Learned counsel for the petitioner *inter alia* contends that the present FIR was registered on the complaint of the wife of the petitioner and after that the petitioner had filed a divorce petition under Section 13-B of the Hindu Marriage Act, 1955. Thereafter, the wife of the petitioner died and the petitioner is taking care of his children aged about 18 years-daughter and 14 years-son. The petitioner is also having liability of taking care of his parents. He is residing at Saharanpur and for each and every date of hearing, he has to visit Jalandhar. Presently, the father of the deceased-wife of the petitioner is pursuing with the said trial on behalf of the complainant.
3. Mr. L.S. Lakhanpal appearing on behalf of Jayanti Prasad-father of

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the complainant and PW-1 submitted that the petitioner has been taking undue exemptions and this fact has been reflected in the impugned order dated 01.09.2023 (Annexure P-9) that he has taken exemptions on various occasions on different grounds, as such, the application has been rightly declined by the trial Court.

4. The petitioner has also filed an affidavit and undertakes that he will not raise any objection regarding the identity in case the prosecution witness are examined in his absence; he will appear before the trial Court as and when required by the trial Court and he would not take unnecessary adjournments during the trial.

5. Keeping in view the facts and circumstances of the case that out of total 13 witnesses, only 1 witness has been examined and the petitioner is also taking care of his children, as such, personal appearance of the petitioner is exempted before the trial Court. However, the petitioner shall remain bound by the undertaking given in the affidavit filed by him.

6. The present petition stands allowed.

**(HARPREET KAUR JEEWAN)
JUDGE**

08.01.2024
P.Bhatt

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