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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-58951-2024 (O&M)
Date of decision: 26.11.2024

Bahadur Singh @ Balvir Singh and others

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Amanpreet (A.P.) Singh, Advocate for the petitioners.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') read with Section 346 of BNSS seeking issuance of direction to learned trial Court to conclude the trial of case arising out of FIR No.188 dated 21.12.2021 under Sections 294, 354, 506, 149 of the Indian Penal Code, 1860 (for short 'IPC') (Sections 354 & 149 of IPC were added and Section 34 of IPC was deleted later on), registered at Police Station Sadar Jagraon, District Ludhiana Rural, within a period of 09 months.
2. Learned counsel for the petitioners 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 petitioners No.1 & 2 are senior citizens, who are 64 and 83



years of age, respectively and petitioners No.3 & 4 are ladies and the FIR (*supra*) was registered on 21.12.2021 and the prosecution is delaying the production of its witnesses and the petitioners are appearing before learned trial Court on each and every date of hearing, which is causing great inconvenience and hardship to them and thus, prays that personal appearance of the petitioners 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 In view of the above, instant petition is dismissed as withdrawn with the liberty aforesaid.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 petitioners except petitioner No.5 before learned trial Court is ordered to be exempted, subject to the following conditions:-

- i) they will be represented through their counsel;*
- ii) will not delay/stall the trial proceedings;*
- iii) will not dispute their identity as accused;*
- iv) will have no objection if the prosecution evidence is recorded in their absence but in the presence of their counsel;*
- v) will appear before the trial Court as and when required; and*
- vi) any other condition, which the trial Court may impose.*

26.11.2024

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[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No