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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-58831-2024 (O&M)
Date of decision: 26.11.2024

Ali Hussain

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Naresh Kumar Manchanda, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.44 dated 19.02.2024 under Sections 363, 366-A, 149, 365, 120-B of the Indian Penal Code, 1860, registered at Police Station Dasuya, District Hoshiarpur and the subsequent proceedings initiated thereupon.
2. Learned counsel for the petitioner wishes to withdraw the present petition with liberty to raise all the pleas taken in the present petition before learned trial Court at the appropriate stage. However, he confines his prayer to the extent that the petitioner is 60 years of age and he is resident of District Fatehgarh Sahib and trial of the case is progressing at Hoshiarpur and as such,



attending trial on each and every date would cause great inconvenience and hardship to him and 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 In view of the above, instant petition is dismissed as withdrawn with the liberty aforesaid.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.*

26.11.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No