



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-17240-2025
Date of decision: 02.04.2025

Subodh Tyagi

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Deepak Arora, Advocate for the petitioner.

KARAMJIT SINGH, J. (ORAL)

1. The counsel for the petitioner while restricting his arguments submits that at this stage, the petitioner will be satisfied in case, his personal appearance before the trial Court is exempted throughout the trial, on the account of the fact that the petitioner is aged about 75 years and is permanent resident of Mumbai, whereas the trial is pending at Batala, District Gurdaspur (Punjab). The counsel for the petitioner further submits that the present petition be disposed of in aforesaid terms with liberty to petitioner to raise all the other pleas taken by him in the present petition at the relevant stage of trial.

2. Notice of motion.

3. Mr. J.S. Dhaliwal, AAG, Punjab, accepts notice on behalf of respondent No.1-State and submits that the present petition be disposed of in accordance with law.

4. I have considered the submissions made by counsel for the petitioner and the State counsel.

5. The main petition filed by the petitioner under Section 482 Cr.P.C. seeking quashing of FIR No.211 dated 08.12.2013 Annexure P-1, registered under Sections 420 and 120-B IPC, at Police Station City Batala is hereby disposed of with liberty to the petitioner to take all the pleas taken



in the present petition before the learned trial Court at the appropriate stage of trial.

6. In alternate, the petitioner has also sought exemption regarding his personal appearance before the trial Court during the pendency of the trial.

7. It is apparent that petitioner is aged about 75 years and is permanent resident of Mumbai and as such, it is difficult for the petitioner to appear before the trial Court at Batala on each and every date of hearing. Having regard to the aforesaid facts and circumstances of the case, the personal presence of the petitioner before the trial Court is hereby exempted, pending trial, subject to his furnishing an affidavit to the satisfaction of the trial Court to the effect:-

- i) The petitioner will not dispute his identity as a particular accused in criminal case relating to FIR Annexure P-1.
- ii) A counsel on his behalf would be present in the Court and having no objection to taking the evidence in the absence of petitioner.
- iii) His counsel will cooperate in the trial and will not seek unnecessary adjournments.

8. However, this discretion is left to the learned trial Court that despite the exemption of the appearance of the petitioner under Section 205 Cr.P.C, the said Court can direct the personal appearance of the petitioner at the stage of framing of charges, recording of statement of the accused under Section 313 Cr.P.C and at the time of final hearing of arguments and at any stage of the proceeding if the counsel of the accused does not appear or does not cooperate in the proceeding or for any other valid reason.

9. The present petition is disposed of in aforesaid terms, without expressing any opinion on the merits of the case.

02.04.2025

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**