



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

CRM-M-40402-2025
Date of decision: 30.07.2025

VINOD KUMAR KAKKAR

...PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Jamshed Ahmed, Advocate for the petitioner.

Mr. Gagandeep Singh Chhina, Sr. DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. This is the second petition under Section 528 of BNSS, 2023 seeking quashing of FIR bearing No.0157 dated 25.05.2022 registered under Section 406, 420, 467, 468, 471 and 120-B of Indian Penal Code, 1860 at Police Station Civil Line, Bhiwani, District Bhiwani and all the subsequent proceedings arising therefrom including the final report dated 08.07.2023.

2. Mr. Jamshed Ahmed, Advocate has put in appearance on behalf of the petitioner and filed his power of attorney with an endorsement of no objection from earlier counsel. The same is taken on record. Registry is directed to tag the same at the appropriate place.

3. Learned State counsel, at the very outset, submits that the first petition seeking quashing of FIR (*supra*) on merits was withdrawn on 04.03.2024 in case bearing **CRM-M No.46857 of 2023**.



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4. 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 the course of trial and confines his prayer to the extent that petitioner is a senior citizen, aged about 72 years and is suffering from various old-age ailments. As such, attending the trial on each and every date would cause great inconvenience and hardship to him.

5. The instant petition is dismissed as withdrawn with the liberty as prayed for. 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, the personal appearance of the petitioner before the 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.

July 30, 2025
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(HARPREET SINGH BRAR)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |