



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

CRM-M-39891-2025
Date of decision: 28.07.2025

SANDEEP KUMAR

...PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. B.S. Bhalla, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. Prayer in the present petition filed under Section 528 of BNSS, 2023 is for directing the learned trial Court to expedite and decide the trial of FIR bearing No.25 dated 15.02.2019 registered under Sections 379-B, 120-B and 411 of Indian Penal Code, 1860 at Police Station Baghapurana, District Moga in a time bound manner.

2. Learned counsel for the petitioner *inter alia* contends that as per the final report submitted before the learned trial Court in the year 2019 and the order passed by learned trial Court on 14.03.2023, the complainant has gone abroad. He further contends that the petitioner is suffering the agony of protracted trial for the last more than six years and till date, the prosecution has not been able to produce its evidence. Learned counsel wishes to withdraw the present petition and seeks liberty to approach learned trial Court for the same relief at the first instance. He confines his prayer to the extent that petitioner is suffering the agony of trial for more than 06 years, as such,



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attending the trial on each and every date would cause great inconvenience and hardship to him as it would compel him to travel a long distance to appear before the trial Court.

3. The instant petition is dismissed as withdrawn with the liberty as prayed for.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 28, 2025
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(HARPREET SINGH BRAR)
JUDGE

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