



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

272+274

CRM-M-27713-2025 (O&M)
Date of decision: 11.09.2025

Anju Aggarwal

...Petitioner

Versus

State of Punjab

...Respondent

CRM-M-29076-2025 (O&M)

Vinay Kumar Tara Chand Aggarwal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. S.P.S. Sidhu and Mr. Anirudh Kaushal, Advocates
for the petitioner

Mr. Jasjit Singh, DAG Punjab

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petitions is for quashing the impugned order dated 24.04.2025, vide which the applications filed by the petitioners seeking exemption from personal appearance have been dismissed.

2. Learned counsel submits that the petitioners, who are husband and wife and senior citizens have been residing in Mumbai, for the last 12 years and the matter is pending before the trial Court at Ludhiana for awaiting sanction qua the co-accused. Both are the bonafide tax payers for the past 40 years and have no criminal or civil litigation pending against them in the past. With regard to petitioner Anju Aggarwal, her medical record dated 16.4.2025, Annexure P-3, of MGM Medical College and Hospital, Kamothi, Navi Mumbai, Maharashtra, has been referred to demonstrate that she has undergone lateral knee replacement



surgery and has been advised to avoid frequent and long distance travel, which could adversely impact her recovery and overall health condition..

3. In para 11 (ii) and (vi) of the petitions, it has been stated that they will not dispute their identity in the present case; undertakes that their counsel, who is well acquainted with the facts and circumstances of the case, shall represent them effectively before the learned trial Court; they will not object to recording of the evidence in their absence; undertake to appear through video conferencing; appear whenever the learned trial Court would insist for any purpose and would abide by all terms and conditions whatsoever imposed by this Court.

4. Reliance is made to para 14 of the judgment of Hon'ble the Supreme Court in **M/s Bhaskar Industries Ltd. vs. M/s Bhiwani Denim & Apparels Ltd**, 2001(7) SCC 401, which reads thus:

“The normal rule is that the evidence shall be taken in the presence of the accused. However, even in the absence of the accused such evidence can be taken but then his counsel must be present in the court, provided he has been granted exemption from attending the Court. The concern of the criminal court should primarily be the administration of criminal justice. For that purpose the proceedings of the Court in the case should register progress. Presence of the accused in the Court is not for marking his attendance just for the sake of seeing him in the Court. It is to enable the Court to proceed with the trial. If the progress of the trial can be achieved even in the absence of the accused the court can certainly take into account the magnitude of the sufferings which a particular accused person may have to bear with in order to make himself present in the Court in that particular case.”

5. Further in, **Puneet Dalmia vs. Central Bureau of Investigation, Hyderabad**, (2020) 12 SCC 695, Hon'ble the Supreme Court observed thus:

“It is true that in the aforesaid two cases before this



Court, the offences alleged were less serious offences than alleged in the present case. However, the principles for grant of exemption as observed by this Court in the case of **Bhaskar Industries Ltd.** (supra) can be made applicable to the facts of the case on hand also and the appellant can be granted the exemption on certain conditions and on filing an undertaking by the appellant, by which the interest of justice can be protected and grant of exemption may not ultimately affect the conclusion of the trial at the earliest. At this stage, it is required to be noted that nothing is on record that, at any point of time, any effort has been made by the appellant to stall/delay the trial. At this stage, it is required to be noted that in case of other two co-accused in cases arising of the same FIR, the applications for exemption on the very same grounds have been allowed, one by the High Court and another by the learned trial court.”

6. Learned State counsel however, states that the order rejecting the request for exemption, as impugned in the present case, has been rightly passed.

7. Heard.

8. Considering the peculiarity of the facts and circumstances of the case in light of the judgments referred to hereinabove, the order dated 24.04.2025 is hereby set aside. The petitioners are directed to furnish their undertakings' before the trial Court within a period of two weeks in terms of para no.4 above, upon which, they be granted exemption, except for the date on which their presence would be absolutely necessary.

9. Both petitions stand disposed of accordingly.

10. A photocopy of this order be placed on the file of connected case.

(AMAN CHAUDHARY)
JUDGE

11.09.2025

M.Kamra

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No