

**CRM-M-24946-2025****1**

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-24946-2025**

Date of Decision : 15.05.2025

Sanjeev Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGHPresent: Mr. Naveen Batra, Advocate
for the petitioner

Mr. Luvinder Sofat, Sr. DAG Punjab

KIRTI SINGH, J.(Oral)

This petition under Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023 has been filed for quashing of order dated 17.04.2025 (Annexure P-6) passed by learned Judicial Magistrate 1st Class, Nangal in CHI-42-2024 in case FIR No.61 dated 27.05.2024 (Annexure P-1) under Sections 498-A and 323 IPC, registered at Police Station Nangal, District Rupnagar, whereby an application for permanent exemption from personal appearance of the petitioner has been declined.

Learned State counsel on instructions from ASI Susheel Kumar submits that the petitioner is serving in the Indo-Tibetan Border Police (ITBP) as a Constable (GD) and is presently posted in a Naxalite-affected area in the State of Chhattisgarh.

In view of the above, the present petition is allowed and order dated 17.04.2025 (Annexure P-6) passed by learned Judicial Magistrate 1st Class, Nangal is set aside. However, the personal appearance of petitioner shall remain



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exempted subject to the following conditions:-

- (i) He will be represented through her counsel;
- (ii) will not delay/stall the trial proceedings;
- (iii) will not dispute his identity as accused;
- (iv) will have no objection if the prosecution evidence is recorded in her absence but in the presence of her counsel;
- (v) will appear before the learned trial Court as and when required;
and
- (vi) any other condition, which the trial Court may impose.

15.05.2025

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(KIRTI SINGH)
JUDGE

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No