



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

**CRM-M-57491-2022
Date of decision: 15.01.2025**

VINOD KUMAR

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Jitender Singh Dadwal, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 482 Cr.P.C. seeking quashing of order dated 09.09.2022 passed by learned Judicial Magistrate Ist Class, Ludhiana (Annexure P-4), whereby the petitioner has been summoned under Section 319 Cr.P.C. in case bearing FIR No.0298 dated 03.12.2012 registered under Sections 419/420 IPC and Section 12 of Passport Act, 1967 at Police Station Jodhewal, District Ludhiana.

2. 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 resident of District Jalandhar, whereas, the trial of the FIR (*supra*) is proceeding at District Ludhiana and attending the trial on each and every date would cause great inconvenience and hardship to him and effect his livelihood.



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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 The instant petition is dismissed as withdrawn with the liberty as prayed for.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.

January 15, 2025
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(HARPREET SINGH BRAR)
JUDGE

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