

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

**Criminal Misc. No. M-18769 of 2015
Date of Decision:-27.7.2015**

Baiyan Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. Saurabh Arora, Advocate
for the petitioner.

Mr. Gurinderjit Singh, Deputy A.G., Punjab
assisted by ASI Nirmal Singh.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for deleteing the observation made in the order dated 26.5.2015 passed in Criminal Writ Petition No.352 of 2015 titled as 'Baiyan Kaur vs. State of Punjab'.

Learned counsel for the petitioner contends that in the concluding para of the aforesaid order dated 26.5.2015, the Court had observed as under :-

“In view of the fact that during investigation the complainant, Kala Singh was found on his own motorcycle along with narcotic contents (410 grams intoxicate powder), the allegation made in the

complaint are false.

Accordingly, the present petition is dismissed.”

Learned counsel for the petitioner further contends that in fact the petitioner has made a complaint against the illegal confinement of Kala Singh, who is son-in-law of the petitioner, by e-mail on 21.2.2015 at 4.49 am, whereas the FIR No.9 dated 21.2.2015, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 was registered at Police Station Lohian, Jalandhar City at 4.20 pm. He further submits that he will face the trial but the observation “the allegation made in the complaint are false”, will prejudice the case of the petitioner. He further submits that the trial should be conducted on the basis of the evidence as adduced by the respective parties.

While considering the fact that it is incumbent upon the trial Court to try the case on the basis of the evidence available on record, the observation made in the order dated 26.5.2015 shall not construed any expression on the case. Thus, “the allegation made in the complaint are false” will not affect the case of the petitioner and the trial Court shall decide the case as per the evidence available on record.

The observation made herein above shall not affect the merits of the case.

July 27, 2015
Vijay Asija

(HARI PAL VERMA)
JUDGE