

Gurmeet Kaur**..... Petitioner****Versus****State of Punjab****.....Respondents****CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI**Present: Mr. Aman Pal, Advocate
for the petitioner.

Mr. Jashan Preet Singh, AAG, Punjab.

M.M.S. BEDI, J (ORAL)

The petitioner was discharged by the trial Court observing that there was no material available in the report under Section 173(2) Cr.P.C., warranting framing of charges against the petitioner. In a revision petition filed by the State of Punjab, the Revisional Court has directed the framing of charges.

Learned counsel for the petitioner has vehemently contended that in view of the judgments passed by the Civil Court after the discharge, there is an additional material available indicating that no offence has been committed by the petitioner. It has been informed that charges have been framed pursuant to the directions passed by the Revisional Court.

After hearing learned counsel for the petitioner, I am of the opinion that after charges having been framed, it will not be appropriate for this Court to determine the culpability of the petitioner in context to the judgments of the Civil Court by appreciating her pleas of defence.

Since the petitioner is a female and the question of identity being not of much dispute, this petition is disposed of with the direction that in case the petitioner moves any application before the trial Court for exemption from

personal appearance with an undertaking that she would abide by any condition imposed by the trial Court, the trial Court shall exempt the personal appearance of the petitioner as per the provision of Section 273 Cr.P.C. and record the evidence in presence of the counsel for the petitioner. It will be appreciated in case the trial is concluded within a period of 2 years after the next date of hearing before the trial Court.

The petition is disposed of with the above observations.

Nothing said hereinbefore will prejudice the rights of any of the parties. All the pleas taken up in this petition may be raised before the trial Court at an opportune time.

September 07, 2015

ps-l

(M.M.S. BEDI)
JUDGE