

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-41206 of 2015

Date of decision : 23.02.2016

Balpreet Kaur

..... Petitioner

versus

State of Punjab and another

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present: Mr. Parvez Chugh, Advocate
for the petitioner**

Mr. K.S. Aulakh, AAG Punjab

**Ms. Amanpreet Kaur, Advocate
for respondent No. 2**

ANITA CHAUDHRY, J. (ORAL)

The petitioner is a married sister-in-law who is facing trial in FIR No. 101 dated 06.08.2009 under Sections 498-A, 406 IPC registered at Police Station Malout City, District Sri Muktsar Sahib.

The petitioner had moved a petition bearing Crl. Misc. No. M-6804 of 2015 which was disposed of on 23.04.2015 with liberty to approach the Court below seeking personal exemption from appearance. The petitioner had approached the trial Court with an application Annexure P-5 which was dismissed by the trial Court.

Learned counsel for the petitioner contends that the petitioner is a teacher and works in Sangrur and the trial is going on at Jalalabad which at distance of about 200 Kms. The counsel urges that though the case is at the stage of 313 Cr.P.C. statement but still it may take time for completing the evidence and her presence may be exempted. He further contends that petitioner undertakes not to challenge the evidence that may

be recorded in her absence and undertakes to appear on the date when the case is fixed for 313 Cr.P.C. statement.

Counsel for the complainant had also appeared.

The State had filed the reply. It has been submitted that out of 31 witnesses, the prosecution has already examined 29 witnesses and the case was lastly fixed on 17.02.2016 for prosecution evidence.

Learned State counsel submits that only one witness remains to be examined and now the case is fixed for 02.03.2016 before the Court below.

The case is coming to close and only one witness remains to be examined. In the circumstances given above the presence of the petitioner is exempted for 02.03.2016 or the subsequent dates till the prosecution evidence is over. It has been undertaken on behalf of the petitioner that she would not challenge the evidence that would be led in her absence. The petitioner will ensure the presence of her counsel on each date and no application for exemption or adjournment shall be moved. The petitioner would appear on the date when the case is fixed for 313 Cr.P.C. statement and will not seek any adjournment.

The petition is partly allowed.

February 23, 2016

reena

**(ANITA CHAUDHRY)
JUDGE**