

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

Crl. Misc. 27288 of 2017 in/and
Crl. Misc. M-1270 of 2017 (O&M)
Date of Decision: September 15, 2017

Jagjit Singh

...Petitioner

Versus

Satwinder Kaur

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Amit Chaudhary, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

Crl. Misc. 27288 of 2017

Application is allowed.

Certified copies of the zimini orders are taken on record as
Annexure P-6, subject to all just exceptions.

Main case

The instant petition has been filed under Section 482 Cr.P.C.
for directing the trial court to expedite the trial of the criminal complaint
bearing No.12/2015, titled as '*Satwinder Kaur vs. Jatinder Pal Singh and
others*'.

In brief, the facts are that a complaint was filed under Sections
494, 420, 506, 109, 120-B of Indian Penal Code in the court of learned

Judicial Magistrate Ist Class Derabassi, District SAS Nagar, Mohali by the respondent herein against her husband and others, in which the petitioner herein was arrayed as accused No.7. The petitioner was summoned by the court under Sections 420, 506, 120-B of Indian Penal Code by an order dated 04.12.2015. The solitary prayer of the petitioner herein is for expeditious disposal of the criminal case by contending that the allegations against the petitioner in the complaint are only to the extent that he is the president of Lubana Progressive Front and had stood guarantee for the safety of the second wife to perform a marriage with the husband of the complainant. It is argued that the matter is being dragged on unnecessarily since 19.05.2015. The case was listed for defence evidence and the same has not been concluded so far. It is argued that the petitioner herein is 61 years old and the offence punishable under Section 494 of Indian Penal Code cannot be made out against him.

I have heard counsel for the petitioner and have also perused the zimini orders as placed on the record.

A perusal of the zimini orders from 25.01.2016 to 13.06.2017 would reflect that the concerned Judicial Magistrate Ist Class has been taking up the matter. A perusal of the zimini orders would reveal that the petitioner herein along with the other accused were summoned by the court by order dated 07.12.2015. Thereafter, initially the case remained pending for service/appearance of the accused persons and subsequently, miscellaneous applications for cancellation of bail, for directing the concerned official of BSNL to produce the telephone record and under Section 128 Cr.P.C. appear to be filed and the case was fixed for filing reply

to the said miscellaneous applications. In between, the original file mostly remained in the lower Revisional Court because of pendency of revision against the summoning order dated 07.12.2015 and the same was received by the trial court on 30.05.2017. The order dated 13.06.2017 passed by the trial court goes on to show that the case is being fixed for arguments on the miscellaneous application as well as for moving the application for DNA test by the petitioner.

In view of the fact that the matter is proceeding in routine, therefore, no interference is called for. However, keeping in view the age of the accused-petitioner, the presence of the petitioner before the trial Court is exempted subject to the following conditions:-

- (i) That the counsel for the petitioner keeps on appearing in the Court on each and every date of hearing.
- (ii) That the counsel for the petitioner will give undertaking before the Court about the instructions of the petitioner to cross-examine the witness(s) in his absence.
- (iii) That the petitioner will not dispute the identity of the witnesses examined in his absence.
- (iv) That the petitioner will give undertaking in the Court that he will put in appearance on every date as and when required by the Court.

The petition stands disposed of with the aforesaid directions.

September 15, 2017

vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No