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

**CRM-M-26756-2017
Date of Decision: 26.07.2017**

Harjit Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Raman Mohinder Sharma, Advocate,
for the petitioner.

SUDIP AHLUWALIA J. (ORAL)

Notice of motion.

2. On the asking of the Court, Mr. V.G., Jauhar, Senior Deputy Advocate General, Punjab, accepts notice on behalf of respondent Nos.1 to 3.

3. In this petition, the petitioner, who is a woman has challenged the order dated 06.05.2017 (Annexure P-3) passed by the Ld. Judicial Magistrate Ist Class, Rupnagar in complaint No.47/2017 dated 01.05.2017 under Sections 494, 497, 506, 420 & 120-B of the IPC registered at Police Station City Rupnagar.

4. It may be mentioned that the heading/caption of the complaint (Annexure P-2) sets out the aforesaid penal offences (read with Section 156(3) of Cr.P.C.). The petitioner has further prayed for a direction upon the Police not to harass and call her to the Police Station City Rupnagar.

5. The impugned order passed by the Ld. Court below is set out as follows -

“Complaint received by way of transfer. It be registered. Alongwith complaint an application under 156(3) Cr.P.C. has been filed. Let report of the concerned SHO be called under Section 202 Cr.P.C. for 20.05.2017.”

6. It is, therefore, seen that the Ld. Judicial Magistrate has called for a report from the local Police in compliance of the provisions of Section 202 Cr.P.C., since, admittedly, the petitioner, who is accused No.1 in the complaint is presently a resident of Patiala, which is beyond the territorial jurisdiction of the trial Court. To that extent, there is no impropriety in the order calling for report.

7. However, there is certainly merit in the petitioner's contention that the acts of the Police Authorities/Station House Officer, Police Station City Rupnagar (respondent No.3) in calling her to the Police Station are harassing in nature. It is settled law that even in case of an accused woman, who has been granted bail in a State's criminal case cannot be compelled to report at the Police Station.

8. The present petition is, therefore, disposed of with the direction that while the impugned order passed by the Ld. Judicial Magistrate is upheld, but respondent No.3, in submitting the report called for, shall conduct his inquiry in such a manner to ensure that the petitioner, who is a woman, is not obliged to go to the Police Station or leave her present residential address to face up to such inquiry in any manner.

26.07.2017

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes

2. Whether reportable: No