

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

CRM-M No. 7672 of 2016(O&M)

Date of decision: 2.5.2017

Lakhwinder Singh and another

....Petitioners

VERSUS

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. K.S. Sidhu, Advocate for the petitioners.

Mr. Mikhail Kad, AAG, Punjab.

Mrs. Anju Arora, Advocate for respondent No.2.

REKHA MITTAL, J.(Oral)

The present petition directs challenge against orders passed by the Courts below whereby the petitioners have been summoned to face trial in regard to FIR No.49 dated 10.09.2013 under Sections 498-A, 406 IPC registered at Police Station City Women Cell Bathinda, District Bathinda, in exercise of jurisdiction under Section 319 of the Criminal Procedure Code, 1973 (in short 'Cr.P.C.') by the trial Court and the order passed by the trial Court has been affirmed in revision by the Additional Sessions Judge, Bathinda.

Counsel for the petitioners has submitted that the petitioners are the elder brother and his wife of Rajwinder Singh with whom Gurpreet Kaur – complainant solemnized marriage. It is further submitted that the petitioners are residing separately and had nothing to do with the marital affairs of Gurpreet Kaur and Rajwinder Singh. Counsel would submit that as the factual controversy raised in the present petition may not be amenable to adjudication under Section 482 Cr.P.C., the present petition may be disposed of but without prejudice to rights of the petitioners to

raise all available pleas before the trial Court and their personal appearance before the trial Court may be exempted.

In view of the above, present petition is disposed of with liberty to the petitioners to raise all available pleas before the trial Court. The petitioners may file an application seeking exemption from personal appearance and the same shall be decided by the trial Court taking a sympathetic view in the matter.

MAY 2, 2017
'D. Gulati'

Whether speaking/reasoned : yes/no
Whether reportable : yes/no

(REKHA MITTAL)
JUDGE