

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33090-2016 (O&M)

Date of decision: 20.11.2018

Surjit Singh

.....Petitioner

versus

State of Punjab and another

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Mansur Ali, Advocate for the petitioner
Mr.Sunint Kaur, AAG Punjab
Mr.A.S.Ahluwalia, Advocate for the respondent no.2

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Petitioner has impugned the order dated 6.9.2016 (Annexure P-4) passed by learned Sessions Judge, Sri Muktsar Sahib, who is trying the case State v. Paramjit Kaur and others pending out of FIR No.0022 under Section 302 read with Section 34 IPC, Police Station Malout City, District Sri Muktsar Sahib, whereby the minor grandson of the petitioner has been asked to be produced before respondent no.2, who is in jail every Saturday.

Heard.

The undisputed facts are that respondent no.2 Paramjit Kaur has been challaned under Section 302 IPC for murdering her husband. The trial is going on. It appears that during trial, Administrative Judge visited the jail, where Paramjit Kaur made a request for making arrangement for meeting her child. Administrative Judge gave some instructions to the District Judge. Thereafter, Paramjit Kaur filed the present application with

a request that she be allowed to meet her minor child namely, Samarpreet Singh. Accordingly, learned Sessions Judge, passed the following order:-

After considering her request, His Lordship Mr. Justice P.B. Bajanthri, Hon'ble Administrative Judge of this Sessions Division, directed that an order be passed in regard to request made by accused-applicant Paramjit Kaur and the persons in whose custody the minor child is, be directed to make an arrangement for meeting of accused-applicant with the child at Modern Jail, Faridkot, where she is lodged. Hence, keeping in view the facts and circumstances of the case and as directed by His Lordship Mr. Justice P.B. Bajanthri, Hon'ble Administrative Judge of this Sessions Division, during his visit to Court Complex Sri Muktsar Sahib, accused-applicant Paramjit Kaur is allowed to meet minor Samarpreet Singh and counsel for complainant is directed that the persons in whose care and custody the child is, be asked to produce the child on every Saturday at a suitable time for his meeting with accused-applicant Paramjit Kaur and time of meeting could be adjusted keeping in view the study and convenience of the child, if any. With these observations, the application stands disposed of.

Learned counsel for the petitioner contends that the visiting rights can be granted only by the Guardian Judge and not during the trial by the Sessions Court.

After going through the file, I am of the view that when the trial of accused Paramjit Kaur is pending for murdering her husband, the Sessions Judge under the Code of Criminal Procedure cannot pass the impugned order dated 6.9.2016 (Annexure P1), ordering that the child should be produced in Modern Jail, Faridkot every Saturday for meeting the accused (his mother) Paramjit Kaur.

Admittedly, the the child is now in the custody of his grandfather, namely, Surjit Singh petitioner.

In view of the matter, the impugned order dated 6.9.2016 Annexure P-4) passed by learned Sessions Judge, Sri Muktsar Sahib is set aside. However, learned counsel for the petitioner himself given concession that he is willing to allow the child to be brought to the Court to see his mother on one occasion. The child is stated to be studying in a school at Sirsa and is staying in the Hostel.

It being so, on the concession of the petitioner, the child Samarpreet Singh shall be brought on the next date of hearing before the Court of Sessions Judge, Sri Muktsar Sahib and allow to meet his mother in the Court room itself and in the presence of the petitioner and under the supervision of Sessions Judge, for ten minutes.

With the above noted observations, the present petition is allowed.

20.11.2018

gk

**(Kuldip Singh)
Judge**

Whether speaking/ reasoned:

Yes

Whether Reportable:

No