

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

103

CRM-M-23153-2017(O&M)

Date of Order: 24.09.2019

PRABHLEEN KAUR

..Petitioner

Versus

STATE OF PUNJAB AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ankur Bansal, Advocate,
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab

Mr. Amardeep Singh Gill, Advocate
for respondent no.2

ANIL KSHETARPAL, J(Oral)

Petitioner-Prabhleen Kaur has assailed the correctness and validity of order dated 14.03.2017 passed by the learned Judicial Magistrate Ist Class, Jalandhar, summoning her for committing an offence under Section 408 of the Indian Penal Code in exercise of powers under Section 319 Cr.P.C. i.e. an additional accused.

Investigating Agency after carrying out the investigation, placed the name of the petitioner in column no.2. Thereafter, evidence of Nitin Kalra, PW3 was recorded in part and application under Section 319 Cr.P.C. was moved. From the reading of the statement of PW3-Nitin Kalra, it is apparent that Prabhleet Kaur-petitioner is alleged to have signed certain invoices and issued signed cheques. Apart therefrom, there are no allegations/assertions/averments with regard to role attributed to the petitioner-Prabhleen Kaur.

Learned Judicial Magistrate Ist Class passed the order merely impressed by the fact that she has signed certain invoices and cheques.

After arguing at some considerable length, counsel for the parties have arrived at a consensus. They have jointly made a statement that the order under challenge i.e. 14.03.2017 be set aside against the petitioner, summoning her as an additional accused with liberty to the prosecution to file a fresh application, if need be, at appropriate stage.

Disposed of accordingly.

September 24, 2019

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Whether speaking/reasoned

Whether reportable

(ANIL KSHETARPAL)

JUDGE

: Yes/No

: Yes/No