

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

**CRM-M-13065-2020**

**Date of decision:-5.6.2020**

Daljit Kaur

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM : HON'BLE MR. JUSTICE H.S. MADAAN**

**Present** : Mr.Manuj Nagrath, Advocate  
for the petitioner.

Ms.Monika Jalota, DAG, Punjab.

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**H.S. MADAAN, J.**

Case taken up through video conferencing.

Daljit Kaur, an accused in FIR No.165 dated 4.8.2019 for the offences under Sections 302, 34, 120-B IPC, registered at Police Station Jagraon sent up to face trial in the said case, had moved an application before Sub-Divisional Judicial Magistrate, Jagraon that the challan presented was incomplete inasmuch as name of the doctor, who had conducted the postmortem had not been mentioned in the list of witnesses; copies of FSL report and postmortem report had not been attached, therefore, she was entitled to bail under Section 167(2) Cr.P.C. That application was dismissed by learned Sub-Divisional Judicial Magistrate, Jagraon vide order dated 19.11.2019 observing that the

judgments cited by learned counsel for the applicant/accused in support of his contention were not applicable since they related to cases under NDPS Act, whereas the case in hand was under Section 302 IPC and in this case copy of postmortem report was available on record; though FSL report had not been received but that by itself and non mentioning of name of the doctor, who had performed the postmortem examination of the deceased did not make the challan incomplete because there was sufficient material on record available to take cognizance against the accused in this case.

The applicant/accused had felt dissatisfied with said order passed by Sub-Divisional Judicial Magistrate, Jagraon and had challenged the same by way of filing of a revision petition before the Court of Sessions, which was assigned to learned Additional Sessions Judge, Ludhiana, who did not find any merit in the revision petition and vide order dated 17.1.2020 dismissed the same upholding the order passed by Sub-Divisional Judicial Magistrate, Jagraon.

Still feeling aggrieved, the accused/petitioner has knocked at the door of this Court by way of filing the present petition under Section 482 read with Section 167(2) Cr.P.C. seeking quashing of the orders passed by the Courts below and her release on bail under Section 167(2) Cr.P.C., which is being resisted by learned State counsel

I have heard learned counsel for the parties besides going through the record.

Section 482 Cr.P.C. deals with inherent powers of the High Court providing that nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may

be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.

I find that the impugned orders do not call for any interference by this Court since they do not appear to be suffering from any illegality or infirmity.

The petition being without merit stands dismissed accordingly.

**5.6.2020**  
**Brij**

**(H.S.MADAAN)**  
**JUDGE**

**Whether reasoned/speaking : Yes/No**

**Whether reportable : Yes/No**