

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

213

**CRM-M-17980-2020
Decided on : 21.07.2020**

Krishna @ Jeeto

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Vinod Bhardwaj, Advocate
for the petitioner.

Mr. Amit Aggarwal, DAG, Haryana.

Mr. SPS Tinna, Addl. AG, Punjab.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

The petitioner seeks directions to the Trial Court to issue fresh production warrants to secure her presence from the Bathinda Jail, which was not secured due to Covid-19 pandemic situation. Challenge has also been raised to the order dated 30.09.2019 (Annexure P-4), vide which the petitioner has been declared as proclaimed person in case FIR No.581 dated 20.12.2016 under Section 174-A IPC registered at Police Station City Kaithal, District Kaithal.

On 14.07.2020 the following order was passed:-

“Counsel for the petitioner does not press the relief of quashing of the order dated 30.09.2019 (Annexure P-4) whereby the petitioner has been declared proclaimed offender in FIR No.581 dated 20.12.2016, registered under Section 174-A IPC, PS City Kaithal. Accordingly, petition is dismissed qua the said relief.

Counsel for the petitioner only presses for the second prayer that

the fresh production warrants be issued and executed so that the presence of the petitioner from the Bathinda Jail can be secured.

It is the case of the petitioner that she has already been acquitted vide judgment dated 14.01.2017 in FIR No.145 dated 19.05.2011, lodged under Section 379, 356 IPC, Police Station City Kaithal which would be clear from Annexure P-2, whereby the co-accused, Rajo was also similarly acquitted on 15.02.2017. However, since separate FIR had been lodged for being declared proclaimed offender on 01.09.2015, the trial is still pending.

Her production warrants from Bathinda where she is currently lodged, are not being executed though she has been granted bail on 29.05.20210 (Annexure P-3) in FIR No.203 dated 04.11.2019, lodged under Sections 379-B, 34 IPC at Police Station Dugri, Ludhiana. Reference is made to the orders dated 15.01.2020 and 19.02.2020 (Annexures A-1 & A-2, respectively) to submit that proceedings are now fixed for 20.07.2020.

Notice of motion.

Mr.Chetan Sharma accepts notice on behalf of State of Haryana.

On oral request, State of Punjab is impleaded as respondent No.2.

Ms.Monika Jalota, DAG, Punjab accepts notice on behalf of respondent No.2. Office to make necessary correction in the memo of parties. A copy of the petition along with the CM applications be supplied to her by way of email.

Replies be filed before the next date of hearing, i.e., 21.07.2020.”

Counsel for the petitioner has now submitted that the petitioner has been shifted from Bathinda Jail to Karnal Jail, but she has not been produced at Kaithal on 20.07.2020 i.e. yesterday. It is submitted

that proceedings in the case FIR No.581 has accordingly been adjourned to 30.10.2020. Her bail application as such in such circumstances has not been considered on merits in the said case, though she already stands acquitted in the case FIR No.145 dated 19.05.2011 under Section 379, 356 IPC registered at Police Station City Kaithal, District Kaithal, in which she was declared proclaimed offender.

Thus, directions are sought to the Superintendent District Jail, Karnal to produce the petitioner before the Trial Court at Kaithal expeditiously.

Counsel for the State has also no objection if directions are issued to the said official, so that the petitioner can be produced before the Trial Court in case FIR No.581 dated 20.12.2016 under Section 174-A IPC registered at Police Station City Kaithal, District Kaithal.

Accordingly, present petition is disposed of with the abovesaid directions. The petitioner be produced by the said official before the Trial Court at Kaithal on 27.07.2020. Needless to say that, it is open to the petitioner to seek her legal remedies before the Trial Court.

JULY 21, 2020
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No