

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

(Heard through VC)

CRM-M-26510 of 2021 (O&M)
Date of Decision: July 14, 2021

Jatinder Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Saurav Bhatia, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed under Section 482 Cr.P.C. praying for quashing the order dated 27.02.2020 passed by SDJM, Samrala in case FIR No.111 dated 29.06.2013, under Sections 406, 498-A, 34 of Indian Penal Code, registered at Police Station Samrala, District Ludhiana whereby, evidence of the prosecution has been closed by the order.

Counsel for the petitioner herein would contend that marriage was solemnized between the petitioner and Maninder Singh (since PO) on 13.08.2008, however, on account of harassment being caused to the petitioner for bringing less dowry, the aforesaid FIR came to be registered. It is submitted that husband of the petitioner namely Maninder Singh was declared as proclaimed offender and respondents No.2 to 4 herein, who are

father-in-law, mother-in-law and sister-in-law of the petitioner are facing the trial under the FIR. It is submitted that during the course the prosecution evidence was being recorded, bailable warrants were issued against the petitioner to come present and give her statement, on which his brother moved an application on 20.08.2019 to examine the petitioner through the medium of video conferencing, as she was residing abroad. However, the said application came to be dismissed on 21.01.2020 against which a revision petition was filed before the Sessions Court, Ludhiana, which is pending consideration for 23.09.2021. It is further submitted that in the interregnum the prosecution evidence has been closed by the trial court by the impugned order dated 27.02.2020. It is contended that now the petitioner has come to India after arranging funds and taking leave of her children from school in order to take justice from her in-laws family, who have harassed her physically and mentally. It is submitted that the petitioner has to leave the country on 03.09.2021 and prays for leading her evidence before the trial court.

Notice of motion.

At this stage, Mr. Amit Mehta, Sr. DAG Punjab, who is appearing through the medium of video conferencing, accepts notice on behalf of the respondent-State. Similarly, Mr. Deepak Arora, Advocate accepts notice on behalf of respondents No.2 to 4.

I have heard learned counsel for the parties and have perused the pleadings of the case.

The petitioner herein, who is the complainant in the present FIR, has been living abroad. During the course of prosecution evidence,

when her bailable warrants were issued to put in an appearance before the trial court to give her statement, her brother had moved an application to examine her through the medium of video conferencing, which application came to be dismissed by the trial court and a revision petition is pending before the Sessions Court challenging the said order. Thereafter, the trial court by the impugned order dated 27.02.2020 closed the prosecution evidence. It is the contention of the petitioner herein that earlier she booked the flight to come to India, however, due to Covid-19 pandemic, the flights were cancelled, as such, she could not come to India. In this regard, she relies upon Annexure P-11. Now, the petitioner is available in India and has to leave the country on 03.09.2021.

Counsel appearing on behalf of respondents No.2 to 4 opposes the request made on the ground that sufficient opportunity had already been afforded to the petitioner to make her statement and that the impugned order is well reasoned and should not be interfered with.

In the peculiar facts and circumstances of the present case and keeping in mind that the Covid-19 pandemic did not permit travel on account of lock down, the impugned order dated 27.02.2020 closing the prosecution evidence by order is hereby set aside, giving one opportunity to the petitioner herein to lead her evidence before the trial court. It is made clear that no further opportunity shall be allowed to the petitioner to lead her evidence. The parties are directed to appear before the trial court on 28.07.2021, the date already fixed in the matter. The trial court is at liberty to record the evidence of the petitioner on 28.07.2021 itself or any other date convenient to it. However, no request on behalf of the petitioner for

further time will be entertained.

The petition stands disposed of with the aforesaid directions.

A copy of the order be forwarded to the trial court forthwith.

July 14, 2021
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No