

Sr.No.110

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

CRM-M-896 of 2021(O&M)

Date of decision:17.11.2021

Harpreet Kaur

... Petitioner

versus

Union Territory, Chandigarh

... Respondent

CRM-M-29558 of 2020(O&M)

Swinder Singh and another

... Petitioners

versus

Union Territory, Chandigarh

... Respondent

Coram: Hon'ble Mr. Amol Rattan Singh

Present: Mr. J.S.Lalli, Advocate
for the petitioner in CRM-M-29558 of 2020.
Mr. A.M.Punchi, APP, UT, Chandigarh.

Amol Rattan Singh, J.(Oral)

Case heard by way of video conferencing.

CRM-M-29558 of 2020(O&M)

By this petition, the petitioners have prayed for issuance of directions to the investigating agency to conduct a fair, impartial and complete investigation in FIR No.226, dated July 17, 2020, registered at Police Station Sector 39, Chandigarh, alleging therein the commission of an offence punishable under Section 302 IPC.

On 27.10.2021, the following order had been passed in

this case:-

“On the request learned counsel for the petitioner in CRM-M no.29558 of 2020, adjourned to 17.11.2021.

It is to be noticed that the learned Additional PP, UT, Chandigarh, has cited a judgment of the Supreme Court in Sakiri Vasu versus State of Utter Pradesh and others, (2008) 2 Supreme Court Cases 409, to in fact reiterate what this court had already observed on the last date of hearing, to the effect that when the trial court has ample powers in terms of Section 311 of the Cr.P.C. to examine a witness in any particular aspect, or even to recall a witness or direct any witness to be summoned, this court, in jurisdiction under Section 482 of the Cr.P.C., unless it is directing a de novo investigation, would not direct that a particular witness be named by the prosecution on any particular aspect of the case, which jurisdiction at the first instance would be that of the trial court.

Almost *ex facie*, I would agree with him on that contention, but since counsel for the petitioner still insists on arguing on that matter, he will distinguish the judgment cited by the learned Addl.PP, UT, Chandigarh, on the next date of hearing, failing which CRM-M no.29558 of 2020 shall stand dismissed on that date.

To be shown in the urgent motion list.”

Today, learned counsel for the petitioners seeks to withdraw the petition, with him seeking liberty to file an appropriate application before the learned trial court.

Dismissed as withdrawn with liberty to the petitioners to move an appropriate application in respect of their grievance before the trial court.

Any such application moved will obviously be considered by the trial court wholly on its own merit and appropriate orders passed accordingly.

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By this petition, the petitioner has sought regular bail under Section 439 Cr.P.C., in FIR No. 226, dated 17.07.2020 registered at Police Station Sector 39, Chandigarh, for the alleged commission of an offence punishable under Section 302 IPC.

The petitioner having been admitted to interim bail vide an order passed by this court on 27.10.2021, with her having been in custody for more than one year and with the complainant having been examined, and with the learned Public Prosecutor, upon query, submitting that as per instructions she has not misused the concession, without making any comment on the actual merit of the case, the petition is allowed, with the order dated 27.10.2021 made absolute on the same terms and conditions.

However, it is made absolutely clear that admitting the petitioner to bail obviously does not mean that this court has made any comment on the actual merits of the case for or against her, with the

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trial to proceed wholly on the basis of evidence led before the trial
court.

17th November, 2021

[AMOL RATTAN SINGH]

Shivani Kaushik

JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No