

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

**CRM-M No.30148 of 2020
Date of Decision : 07.01.2021**

Santosh

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Anuj Garg, Advocate
for the Petitioner.

SUDIP AHLUWALIA, J. (ORAL)

Submits *inter alia* that after completion of investigation even the Charges had been framed, but evidence from the Prosecution side could not commence as the Complainant did not turn up to give her statement inspite of due service of summons, as can be seen from the *Zimni* orders passed by the Ld. Trial Court. On the contrary, long after framing of Charges on 28th July, 2017, she, the Complainant/ Respondent No.2, who had failed to appear in the Ld. Trial Court for giving her evidence inspite of due service of summons, motivatedly filed an Application under Section 173(8) read with Section 156(3) of the Cr.P.C. seeking further investigation, on 24th April, 2018 (Annexure P-20).

2. The specific grievance of the Petitioner at this stage is that

even in such a situation the matter is held up for a final order on the aforesaid application of the Complainant/Respondent No.2.

3. In the opinion of the Court, considering the situation occasioned by the on-going Covid-19 Pandemic, inability of the Ld. Trial Court to proceed with hearing on the aforesaid application in which there is apparently no grave urgency involved, is understandable.

4. Faced with this, Ld. Counsel for the Petitioner seeks to withdraw the present Petition at this stage with liberty to file a fresh one at an appropriate stage subsequently.

5. Ordered accordingly.

January 07, 2021
Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No