

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.125

Case No. : CRM-M-3519-2023

Date of Decision : January 23, 2023

Jyoti Sharma

.... Petitioner

vs.

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Gursimran Singh Madaan, Advocate
and Mr. Lalit Sharma, Advocate
for the petitioner.

Mr. R. S. Nain, DAG, Haryana.

* * *

GURBIR SINGH, J. :

This is a petition under Section 482 Cr.P.C., challenging order dated 16.01.2023 (Annexure P-7) passed in FIR No.148 dated 11.02.2022, under Section 379-A IPC (Sections 379-B, 506, 34, 201 IPC and Section 25 of the Arms Act added later on), registered at Police Station Yamuna Nagar City, District Yamuna Nagar, whereby the learned Court of Additional Sessions Judge, Jagadhri has directed that the petitioner be taken into custody and produced before the Court.

Learned counsel for the petitioner states that the petitioner is complainant in the aforesaid case. The petitioner was supposed to record her statement as witness in the said case on 16.01.2023. The petitioner never received summons in the said case. On 16.01.2023, it has been ordered by the Court below to take the petitioner into custody and produce her in the Court on 15.03.2023. The relevant extract the said order is reproduced below for ready reference :-

“No PW is present. Summons issued to complainant Joyti Sharma received back with the report that she was not found to be residing at the stated address and she was telephonically contacted and asked to furnish her present address, however, she has refused to disclose her present whereabouts and has refused to come to the Court. In view of the same, SP, Yamuna Nagar is directed to take PW Joyti Sharma in custody and produce before the Court on 15.03.2023 for recording her testimony.”

Notice of motion.

Pursuant to the advance notice sent to the office of Advocate General, Haryana, Mr. R.S. Nain, DAG, Haryana appears and accepts notice on behalf of respondent-State.

Since the petitioner is a witness in the aforesaid case and she has never been summoned and informing the witness on the mobile phone is not a good service. So, the petitioner is directed to appear in the Trial Court within a week and give an undertaking that she would appear in the Court on 15.03.2023 for her examination and on her doing so, she would be released on personal bond.

No action be taken against the petitioner on the basis of order dated 16.01.2023 passed by learned Additional Sessions Judge, Jagadhri.

The petition stands disposed of.

January 23, 2023

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**(GURBIR SINGH)
JUDGE**

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>

