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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12246-2023

Date of Decision:- 28.04.2023

Preeti @Pooja

...Petitioner

Vs.

State of Haryana and Ors.

...Respondents

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Ms. Renu Dhull, Advocate
for the petitioner.

Ms. Ambika Sood, Additional A.G. Haryana.

AMARJOT BHATTI, J. (Oral)

The petitioner – Preeti @ Pooja has filed present petition under Section 482 Cr.P.C. for constitution of SIT for investigation of the case outside the jurisdiction of District Kaithal qua the matter of suspicious death of victim during the pendency of trial in FIR No. 553 dated 25.12.2019 under Section 6 of POCSO Act, Section 4, 5, 6 of Immoral Trafficking (Prevention) Act and Section 120-B, 328, 363, 366-A, 365, 368, 370-A, 372, 373, 376 of IPC, registered at Police Station City, Kaithal.

The learned counsel for the petitioner pointed out that the petitioner is confined in District Jail, Kaithal, facing trial in the aforesaid FIR. During the pendency of said trial, the victim has expired. In fact, influential persons are involved in this case namely Shyam Bahadur Khurania but in collusion with him, the parents of the victim have named

innocent persons. In fact, the victim was alleging that the petitioner and other co-accused are innocent during her counseling session. Shyam Bahadur Khurania and his brothers are influential persons running a college namely Indira Gandhi Mahila Maha Vidhaya, Kaithal and Om Parbha Jain School, Kaithal. Many girls had filed complaints. With these allegations, present petition has been filed. Learned counsel for the petitioner pointed out that a SIT may be constituted to inquire about the death of the victim.

Detailed status report has been filed in which it is clarified that the present petitioner is one of the accused facing trial alongwith the other accused. The challan is already presented in the aforesaid FIR on 09.06.2020 and the case is fixed for prosecution evidence for 25.04.2023. Till date, total 18 prosecution witnesses have been examined. The investigation was carried out in a fair manner. Therefore, the petition filed by the petitioner is without merits.

I have considered the aforesaid facts. The status report clarifies that after investigation of the case, challan was presented in the aforesaid FIR in which the prosecution evidence is being recorded. It is further pointed out that 18 prosecution witnesses have been examined. The petitioner who has filed this petition is one of the accused facing trial in that case. As per her version, the victim has died under suspicious circumstances and she is also naming another person Shyam Bahadur Khurania involved in the occurrence. As referred above, the trial is already under progress and in case any accused was required to be summoned that could have been done either by the complainant or by the prosecution by moving application in the proceedings of the trial under Section 319

Cr.P.C. In the entire petition, it is nowhere mentioned when the victim has

expired. In case there was unnatural death of the victim in the said FIR, it was for the police to enquire and register a case. The father of the victim can also approach this Court for appropriate remedy. The petitioner herself is an accused in custody who is facing trial in the aforesaid FIR. Therefore, I do not find merits in this petition and the same is accordingly, declined.

28.04.2023
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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No