

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

257

CRM-M-10283-2019

Date of decision: 17.02.2023

MONA SHARMA AND ANOTHER

...Petitioners

VERSUS

STATE OF PUNJAB

...Respondent

CORAM : HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Aditya Sanghi, Advocate
for the petitioners.

Mr. Amit Shukla, AAG, Punjab.

Mr. Amit Sharma, Advocate
for respondent No.2.

ANOOP CHITKARA, J.(ORAL)

After arguing for sometime, counsel for the petitioners submits that for the time being he will be contended satisfied in case he is permitted to raise all the points raised in this petition before the trial Court at the time of framing of charges and the trial Court be directed to consider and answer each and every paragraph of this petition and petitioner be exempted from personal appearance before trial Court.

Since, the trial Court is duty bound to give an ample opportunity to each and every accused at the time of framing of charges as such this prayer is innocuous and it is allowed.

The present petition is disposed of with a direction to the trial Court to refer to each and every paragraph of the present petition at the time of framing of the charges in case he decide to frame charges against the petitioner. However, in case the trial court does not find any material to frame charges, there should be no necessity to refer to the averments made in this petition.

Parties are also permitted to file their written arguments and the

trial Court shall refer to each and every point.

Given the nature of the offence, the trial Court shall not insist upon the personal appearance of the petitioner except at the time of framing of charges, if so ordered and after that for recording statement under Section 313 Cr.P.C., as defence witness and at the time of pronouncement of final judgment. It is further clarified that this exemption is subject to the condition that the petitioner shall not claim any prejudice in this regard in any Court at any stage.

February 17, 2023
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(ANOOP CHITKARA)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No