

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

127+285

CRM-M-15146-2020 (O&M)

Date of Decision: 07.02.2023

Harpreet Kaur

...Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Sandeep Arora, Advocate for the petitioner

Ms. Gurman Kaur Turka, Advocate
for respondent Nos.2 and 3

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition is seeking setting aside of order dated 16.03.2020 (Annexure P-7), whereby Additional Sessions Judge, Patiala, has dismissed revision petition filed against order dated 29.02.2020 (Annexure P-6) passed by Judicial Magistrate, 1st Class, Patiala.

2. The brief facts of the case are that at the instance of petitioner, FIR No.71 dated 06.06.2014 came to be registered under Sections 406 & 498 IPC. The police after investigation filed challan and in the challan Section 377 IPC was added apart from Sections 406 and 498-A IPC. The Trial Court framed the charges on 09.04.2015. The petitioner moved an application under Section 311 Cr.P.C. seeking permission to lead additional evidence. The application came to be allowed vide order dated 12.06.2018. The petitioner moved second

application (Annexure P-5) under Section 311 Cr.P.C seeking permission to adduce additional evidence. The Trial Court vide order dated 29.02.2020 dismissed application of the petitioner.

3. The Trial Court observed that petitioner was given sufficient opportunity to produce document which now she wants to prove on record. The application has been moved just to delay the present case and fill up the lacuna which cannot be permitted at this belated stage. The petitioner unsuccessfully preferred revision before ASJ, Patiala.

4. The respondent has moved CRM-28559-2022 wherein respondent has averred that petition of the petitioner may be allowed and she has no objection if petitioner is permitted to adduce additional evidence as prayed in application (Annexure P-5).

5. Learned counsel for the respondent during the course of hearing made the same prayer.

6. In view of the statement of learned counsel for the respondent, without commenting on merits of the case, the present petition is allowed and the impugned order dated 29.02.2020 passed by JMIC, Patiala and order dated 16.03.2020 passed by ASJ, Patiala are hereby quashed and petitioner is permitted to adduce additional evidence in terms of application Annexure P-5.

7. The FIR was registered on 06.06.2014 and respondents are facing protracted trial. The respondent to avoid the delay has taken very

fair and reasonable stand, thus, Trial Court is requested to expedite the trial and preferably conclude within 3 months from today.

(JAGMOHAN BANSAL)
JUDGE

07.02.2023
Mohit Kumar

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