

2023:PHHC:059105
CRM-M-20753 of 2023

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In the High Court of Punjab and Haryana at Chandigarh
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CRM-M-20753 of 2023
Date of Decision: 26.04.2023

Manita

---Petitioner

versus

State of Haryana and another

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Ajit Sihag, Advocate
for the petitioner

Ms. Dimple Jain, AAG, Haryana

JAGMOHAN BANSAL, J. (ORAL)

The petitioner through instant petition under Section 482 Cr.P.C. is seeking transfer of case No. CHI-344 of 2021 titled as “State vs. Pawan Kumar etc.” in FIR No.009 dated 03.02.2021 registered at Women Police Station Fatehabad, District Fatehabad, under Sections 147, 148, 323, 354-B, 498-A and 506 of IPC and Section 25 of Arms Act (Sections 148, 354-B IPC and 25 of Arms Act deleted and Section 149 IPC added later on) pending before Chief Judicial Magistrate Ist Class, Fatehabad to the Court of Judicial Magistrate Ist Class, Hisar.

Learned counsel for the petitioner inter alia contends that petitioner is a 32 years old lady and at her behest FIR was registered.

She is residing at Hisar and FIR has been registered at Fatehabad which is 60 Kms away from her residence. The petitioner has filed an application under Section 125 Cr.P.C. as well under Section 12 of DV Act at Hisar, thus, trial arising out of afore-stated FIR needs to be transferred to Fatehabad.

I have heard the arguments of learned counsel for the petitioner and perused the record.

The petitioner has lodged FIR at Fatehabad. The FIR has been lodged against more than one persons. As per Criminal Procedure Code and procedure followed by Courts, accused unless exempted is supposed to appear before the trial court on each and every date. The author of FIR is not required to appear before the trial court on each and every date, however, he/she has to appear for his/her examination-in-chief as well cross examination. If matter is transferred from one District to another District, the accused as well as investigating officer and witnesses would have to travel from Fatehabad to Hisar. The petitioner is not supposed to appear on every date, thus, for her convenience, a number of persons cannot be put to inconvenience.

With respect to apprehension of the petitioner that she may be subjected to injuries by private respondent at the time of her appearance before trial court, it is hereby directed that the petitioner shall inform jurisdictional Station House Officer prior to the date fixed for her examination and on doing so, the Station House Officer shall make sure that no harm at the time of her presence before the

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Trial Court is caused to her by private respondent.

(JAGMOHAN BANSAL)
JUDGE

26.4.2023

paramjit

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No