

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

123

CRM-M-45807-2022

Date of Decision : 24.02.2023

Nazma

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr.Ashish Gupta, Advocate
for the petitioner.

JAGMOHAN BANSAL, J. (Oral)

The petitioner through instant petition is seeking setting aside of order dated 25.02.2022 (Annexure P-23) whereby Additional Sessions Judge, Nuh has dismissed the revision against order dated 20.01.2022 (Annexure P-21) passed by CJM, Nuh.

The petitioner preferred an application before CJM, Nuh seeking transfer of trial arising out of FIR No.221 dated 16.07.2021 registered at Police Station Punhana, District Nuh, under Sections 148, 149, 323, 354, 379B, 452, 506 IPC and Section 25 of Arms Act within the same District. The CJM, Nuh dismissed application of the petitioner who preferred a revision before Sessions Court which came up for consideration before Additional Sessions Judge, Nuh who vide impugned order dated 25.05.2022 has dismissed revision of the petitioner.

Learned counsel for the petitioner *inter alia* submits that the petitioner is seeking transfer of trial within District because she has threat perception and she apprehends that as and when she appears before the trial Court, she would be attacked and further make to suffer injuries at the hands of the respondents.

Notice of motion.

Ms. Dimple Jain, AAG, Haryana, Punjab, accepts notice on behalf of respondent No. 1-State and submits that local police would ensure security as and when petitioner appears before trial Court.

The petitioner is author of the FIR, thus, she is one of the prosecution witness. She is not supposed to appear on each and every date before the trial Court. She is supposed to appear before the trial Court as and when examination and cross-examination would take place. There is no need for the petitioner to appear on each and every date before the trial Court, thus, the apprehension of the petitioner is not well founded. However, keeping in view the fact that the petitioner is a lady and she has lodged FIR under different Sections of IPC, the jurisdictional SHO is directed to make sure that no injury is caused to petitioner as and when she will appear before the trial Court. The petitioner at least 24 hours before the time she is supposed to appear before trial Court, shall inform the jurisdictional SHO.

Disposed of.

(JAGMOHAN BANSAL)
JUDGE

24.02.2023
anju

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