

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-2478-2023
Date of decision: 28th February, 2024

Varun Pritam Singh and another

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. R.S. Bal, Advocate for the petitioners.
Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed by the petitioners seeking issuance of directions to the trial Court to conclude and decide the Sessions Case bearing No. CHI-3811 of 2018 titled as ‘State Vs. Mahnder Kaur and another’ having arisen out of FIR No. 56 dated 18.08.2018 registered under Sections 406 and 498-A of IPC at Police Station Women, Ludhiana in a time bound manner.

2. The petitioners are facing trial in the aforementioned case. Charges had been framed against them on 23.01.2019 and thereafter, the case was adjourned for prosecution evidence. It is submitted that even after passing of a period of more than three years eleven months, the trial has not made any head way and the prosecution evidence has not been concluded. It is alleged that the complainant is intentionally delaying conclusion of trial of

the case. So far, only her examination in chief has been recorded and thereafter, she has not appeared for getting her cross-examination conducted. It is also submitted that the petitioner No.2 is an eighty-one years old lady residing in Nagpur and she has to come to attend the hearing of the case at Ludhiana on each and every date of hearing, which is quite difficult for her. Therefore, prayer has been made for giving appropriate directions to learned trial Court.

3. Vide order dated 09.01.2024, this Court had given direction to learned trial court to send a report about the fact as to how many witnesses had been examined so far. She has sent her report, as per which, the examination of only four witnesses out of eighteen witnesses have been completed so far and the examination of three witnesses complainant, PW-2 Deepak Chopra and PW-8 Jaipal Singh stands deferred as they have not been partly examined so far.

4. Learned counsel for the petitioner has also placed on record copies of orders passed by the learned trial Court which reveal that sincere and serious efforts have not been made for securing the presence of main witnesses and for concluding their examination. It is also noticed that despite the fact that a period of over four years had passed since the date of framing of charge, only four witnesses have been examined so far.

5. Keeping in view this fact, the petition is disposed of with a direction to the learned trial Court to ensure that the statements of the complainant and other eye-witnesses are completely recorded after securing their presence by the next date of hearing and further that the statements of

the other witnesses are also recorded in an expeditious manner. For the purpose of seeking presence of the witnesses especially the complainant and eye-witnesses the learned trial Court will be at liberty to give direction to the local police authorities by writing a letter for this regard. It is also directed that the learned trial Court shall ensure that the examination of at least material witnesses is completed within a period of not more than two months.

[MANISHA BATRA]
JUDGE

28th February, 2024
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No