



CRM-M-7800-2024 (O&M)

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**115 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****CRM-M-7800-2024 (O&M)
Date of decision: 8th May, 2024**

Srishti Jauhari

...Petitioner(s)

Versus

State of Haryana and another

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRAPresent: Mr. Siddharth Sharma, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-**CRM-19825-2024**

Prayer in this application has been made for preponing the hearing of the main petition.

On going through the record, this Court is of the opinion that the main case can be disposed of by preponing the matter. Hence, the application is allowed and the matter is ordered to be taken on the Board today itself.

Main case

Prayer in the main petition has been made by the petitioner for giving direction to the Court of Judicial Magistrate, Gurugram to prepone the hearing of the case bearing No. CH1/6727/2023 titled as '*State of Haryana Vs. Shanal Jauhari*' FIR No. 390 dated 11.11.2023 registered on her complaint under Sections 498A, 406 and 323 of Indian Penal Code, 1860



at Police Station Sector 53, Gurugram which is pending before it for 26.07.2024.

2. As submitted by learned counsel for the petitioner, the learned Magistrate has adjourned this case for 26.07.2024 for the purpose of hearing arguments on the point of framing charge. It is submitted that as the date so given is quite long, and prejudice is being caused to the petitioner due to delay in framing of the charge against the accused and therefore, the petition filed by him deserves to be allowed.

3. I have gone through the record which reveals that on 22.12.2023, copy of challan report had been supplied to the accused and thereafter, the case was adjourned to 26.07.2024 for the purpose of framing of the charge. It is apparent that the date so given by learned trial Magistrate for the purpose of framing of charge is quite long and some shorter date should have been given for such purpose. However, since this petition has come up for final hearing before this Court only today i.e. on 08.05.2024, when only a period of about two and half months is left for the purpose of framing charge by the trial Court and as the trial Magistrate would also be availing summer vacation, during the intervening period and even notice would also be required to be served to the respondent-accused before preponing the hearing of the case by the trial Court, therefore, in the opinion of this Court, at this stage, no useful purpose would be served by giving any direction to the trial Court for preponing the hearing of the case for the purpose of framing of charge. Accordingly, it is held that the prayer made by the petitioner does not deserve to be allowed and the same is dismissed.



However, the learned trial Court is directed to ensure that no further unnecessary adjournment is being granted by it for the purpose of framing of charge after 26.07.2024, if charges are not framed on that date due to some reasonable cause. Simultaneously, the learned trial Court is also advised not to give long dates for the purpose of framing of charge as this exercise can certainly be undertaken by the trial Court and can easily be taken just after presentation of the challan report.

4. A copy of this order be sent to the concerned Court.

[MANISHA BATRA]
JUDGE

8th May, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | Yes |