

2024:PHHC:079081



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

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CRM-M-28161-2024 (O&M)
Date of decision: 31.05.2024

Ritu and another**...Petitioners****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Bhritu Dutt Sharma, Advocate
for the petitioners.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioners for quashing of order dated 16.11.2023 (Annexure P/14), passed by the Court of learned Additional Sessions Judge, Jalandhar in case titled as ***State of Punjab vs. Meshi Giri and others***, arising out of FIR No. 129 dated 23.08.2016, registered under Sections 452, 323, 427, 313, 34 of IPC at Police Station Division No. 3, Jalandhar, whereby the petitioner No. 2 was declared as a proclaimed person, whereas the proceedings for declaring the petitioner No. 1 as a proclaimed person were initiated.

2. It is submitted by learned counsel for the petitioners that since the petitioners are not accused in the aforesaid case but are only witnesses, therefore, the trial Court was not justified in initiating the proceedings under Section 82 of Cr.P.C. against them and declaring the petitioner No. 2 as a proclaimed person. It has, however, simultaneously submitted by learned

counsel that the petitioners are very much willing to appear and make their depositions before the trial Court and undertake to appear there on the date fixed or as and when directed by this Court.

3. Copies of orders, passed by the trial Court, which are annexed with the petition, have been perused, which show that the trial Court had been compelled to initiate proceedings under Section 82 of Cr.P.C. against the present petitioners, who are witnesses in the said case as it has not been able to secure their presence so far. However, in view of the undertaking as given on behalf of the petitioners by their counsel, I am of the considered opinion that the ends of justice would be served if the petitioners are given opportunity to appear before the trial Court and to make their respective depositions. As such the petition is disposed of with a direction to the petitioners to appear before the trial Court on 11.07.2024, which is the date fixed before it and to record their respective statements/depositions on that date or on any other date to be fixed by the trial Court.

4. In the meanwhile, no coercive steps shall be taken against the petitioners and the trial Court shall keep the order for declaring the petitioner No. 1 as a proclaimed person in abeyance. However, it is clarified that in case the petitioners fail to appear before the trial Court on 11.07.2024 or any other date to be fixed by the trial Court, then the trial Court would be at liberty to take appropriate action against them, as per law.

31.05.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No