



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-45141-2024
Date of decision: 17.09.2024

Navdeep Kaur ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. P.S. Dhaliwal, Advocate for the petitioner.

Mr. J.S. Dhaliwal, AAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner Navdeep Kaur under Section 528 of BNSS seeking quashing of order dated 04.06.2024 Annexure P-6 passed by the Court of Additional Chief Judicial Magistrate, Barnala in criminal case having FIR No.53 dated 20.12.2017, under Sections 306, 420, 120-B IPC, registered at Police Station Mehal Kalan, District Barnala (Annexure P-1).

2. The said order reads as follows:-

State of Punjab Vs. Navdeep Kaur etc.

Present: Learned APP for the State.

The learned APP for the State has closed the prosecution evidence under Section 299 of Cr.P.C, vide separate statement. List of property of accused not filed. Meaning thereby prosecution has no list of property of accused. So, property of acccused can not be attached under Section 83 Cr.P.C. As such, file be consigned to the Judicial Record Room, Barnala, after due compliance and file will be revived as and when the accuseed will be arrested of surrender before the Court.

Sd/-

*Date of Order:04.06.2024 Additional Chief Judicial Magistrate,
Barnala*

3. Counsel for the petitioner inter alia submits that during



investigation, the petitioner was found innocent and in this regard police presented supplementary challan Annexure P-4 dated 30.03.2024. The notice of the same was issued to the complainant who appeared in the Court concerned and agreed with the aforesaid supplementary challan/cancellation report vide statement Annexure P-5 dated 04.05.2024. However despite the fact that complainant did not raise any objection to supplementary challan Annexure P-4, the learned trial Court passed impugned order Annexure P-6 by ignoring the aforesaid cancellation report. It is further submitted that imugned order is not sustainable and deserves to be set aside.

4. The State counsel on instructions from ASI Gursimranjit Singh has not disputed the factual aspects of the case and admits that indeed the petitioner was declared innocent by the police and to this effect supplementary challan Annexure P-4 was submitted in the Court concerned and thereafter, the statement of complainant Gurtej Singh was also recorded wherein he did not dispute the exoneration of the petitioner by the investigation agency. The State counsel further apprised the Court that no order was passed by the learned trial Court to accept or reject the supplementary challan Annexure P-4 and rather the trial Court closed the prosecution evidence under Section 299 Cr.P.C. and the file was directed to be consigned to record room till the arrest/surrender of the accused.

5. In the backdrop of the above said admitted facts the impugned order is not sustainable and deserves to be set aside. Accordingly, the present petition is allowed and order Annexure P-6 dated 04.06.2024 passed by the Court of Additional Chief Judicial Magistrate, Barnala is hereby set aside with direction to the trial Court to pass specific order with regard to rejection or acceptance of supplementary challan Annexure P-4 and then to proceed ahead in the case in accordance with law only.

17.09.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No