



(104)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-56466-2024 (O&M)
Date of decision:- 14.11.2024

Fatima
...Petitioner(s)
Versus
State of Haryana and others
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE

Present:- Mr. Gurjant Singh, Advocate,
for the petitioner.
Mr. Deepak Balyan, Additional Advocate General, Haryana.
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SHEEL NAGU, C.J. (ORAL)

1. The petitioner has filed this petition invoking the inherent powers of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 in FIR No. 29 dated 08.02.2023 under Sections 148, 149, 186, 323, 353, 427 and 506 of the Indian Penal Code, 1860 registered at Police Station Utawar, Palwal, essentially, in regard to two grievances which are as follows:-
- (i) That lesser offences than the one which have actually taken place were alleged in the FIR and also in the charge-sheet which is pending consideration for framing of charge before the trial Court on 04.02.2025.
- (ii) That certain persons who should have been arrayed as accused in the charge-sheet have not been so arrayed.



2. As regards the first ground, the petitioner, who is the victim/prosecution witness, can always point out to the learned Trial Judge at the occasion of framing of charge on 04.02.2025 and, therefore, this Court need not say anything further.
3. In regard to the second ground, the petitioner as a victim/prosecution witness has a remedy under Section 309 of the Code of Criminal Procedure (Section 346 of BNSS) which can very well be invoked if any implicative evidence comes to light while recording statements of prosecution witnesses, against any person arrayed as accused.
4. This Court, therefore, declines interference by granting the aforesaid liberty to the petitioner.
5. The petition accordingly stands disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

14.11.2024
Amodh Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No