



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-61183-2024 (O&M)

Date of Decision: 20.12.2024

Chitra Tripathi

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Ashim Aggarwal, Advocate for
the petitioner.

Mr. Aditya Pal Singla, A.A.G., Haryana.

Mr. Dharmendra Kumar Mishra, Advocate and
Mr. Neeraj Deswal, Advocate for the complainant.

NIDHI GUPTA, J. (ORAL)

Prayer in this petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 read with Section 482 Cr.P.C. is for quashing of order dated 14.11.2024 (Annexure P-8) passed by the learned Additional Sessions Judge, Gurugram in SC NO. 93/2020 arising out of FIR No. 147 dated 20.03.2015 (Annexure P-1) registered under Sections 13(C), 14(1) and 23 of the Protection of Children from Sexual Offences Act, 2012; Sections 469, 471 and 120-B IPC; and Section 67-B of the Information Technology Act, 2002 at Police Station Palam Vihar, Gurugram, whereby the application of the petitioner seeking exemption from personal appearance was declined and her bail was cancelled and bail/surety bonds were forfeited to the State and non-bailable warrants



have been issued against her. Further prayer has been made for quashing of order dated 30.11.2024 (Annexure P-10), passed by the trial Court whereby fresh non-bailable warrants of arrest have been issued against the petitioner; and that personal appearance of the petitioner before the learned trial Court may be exempted permanently.

On the last date of hearing i.e. 05.12.2024 following order was passed by this Court:-

“Prayer in this petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 read with Section 482 Cr.P.C. is for quashing of order dated 14.11.2024 (Annexure P-8) passed by the learned Additional Sessions Judge, Gurugram in SC NO. 93/2020 arising out of FIR No. 147 dated 20.03.2015 (Annexure P-1) registered under Sections 13(C), 14(1) and 23 of the Protection of Children from Sexual Offences Act, 2012; Sections 469, 471 and 120-B IPC; and Section 67-B of the Information Technology Act, 2002 at Police Station Palam Vihar, Gurugram, whereby the application of the petitioner seeking exemption from personal appearance was declined and her bail was cancelled and bail/surety bonds were forfeited to the State and non-bailable warrants have been issued against her. Further prayer has been made for quashing of order dated 30.11.2024 (Annexure P-10), passed by the trial Court whereby fresh non-bailable warrants of arrest have been issued against the petitioner; and that personal appearance of the petitioner before the learned trial Court may be exempted permanently.

Learned Senior Counsel for the petitioner, inter alia, submits that challan in the above FIR was filed on 17.12.2019, and charges were framed on 25.08.2023.



Thereafter, during the course of trial, the petitioner has put in appearance 29 times before the learned trial Court. However, as the petitioner is a reputed Journalist and presently working as Vice President of ABP News, therefore, she has to travel frequently. As such, on 06 dates she had sought exemption from personal appearance before the learned trial Court of which, on 05 dates she was granted said exemption. In the present 6th instance, despite the fact that an application for exemption was moved by the petitioner, the same was dismissed vide impugned order dated 14.11.2024 (Anenxure P-8); and the bail/surety bonds already furnished by the petitioner were ordered to be cancelled and forfeited to the State; and non-bailable warrants of arrest were also ordered to be issued against the petitioner for 30.11.2024.

Learned Senior Counsel for the petitioner submits that on the date in question i.e. on 14.11.2024, the petitioner was travelling to Nasik, Maharashtra, in order to cover the elections. It is for this reason that exemption from personal appearance was sought by the petitioner on the said date, before the learned trial court. It is also pointed out that the present is a very serious case. The complainant is the uncle of the minor victim. According to the prosecution story, Asaram had come to the house of the complainant and videography of the same was telecasted by News India Channel where the present petitioner was then working as Junior Anchor. It is submitted that therefore, the petitioner was instrumental in bringing an important story to light for which she is facing trial. Thus, it is prayed that the impugned order be set aside. It is submitted that the next date of hearing before the learned trial Court is 17.12.2024 and undertakes that on the said date the petitioner shall appear



before the learned trial Court.

Notice of motion.

On the asking of Court, Mr. Surinder Kumar Dagar, DAG, Haryana, accepts notice on behalf of respondent-State; whereas Mr. Dharmendera Kumar Mishra and Mr. Naveen Sharma, Advocates have put in appearance on behalf of the complainant and submit Vakalatnama, which is taken on record.

Learned counsel for the complainant vehemently opposes the prayer made on behalf of the petitioner and submits that on one pretext or the other trial in the present case is being delayed. The incident is of the year 2013 and the present FIR (Annexure P-1) was registered in the year 2015, yet the trial is still at the stage of prosecution evidence. It is contended that due to the constant exemptions being sought by the petitioner and other co-accused, that the trial is being delayed.

Learned Senior Counsel appearing for the petitioner counters, the above said submission of the complainant and submits that the petitioner is a responsible journalist and is well aware of the gravity of the allegations and is very much interested in the expeditious disposal of the trial. Ld. Senior Counsel reiterates the prayer that the impugned order be set aside and the petitioner may be permitted to appear before the learned trial court on the next date of hearing that is 17.12.2024.

Heard.

Keeping in view the totality of the facts and circumstances of the case, but without commenting on merits, the impugned order dated 14.11.2024 (Annexure P-8), passed by the learned Additional Sessions Judge, Gurugram, is set aside qua the petitioner. The petitioner is directed to



appear before the learned trial Court, concerned on 17.12.2024 the date already fixed before it. Consequently, the original bail bonds of the petitioner-accused, as well as the bonds of her sureties are restored and trial to proceed further, in accordance with law.

Compliance be recorded before this Court on the next date of hearing i.e. 20.12.2024.

It is, however, made clear that since the impugned order dated 14.11.2024 (Annexure P-8) has been set aside as aforesaid, the order dated 30.11.2024 (Annexure P-10) passed by the trial Court whereby fresh non-bailable warrants were ordered to be issued against the petitioner also automatically stands set aside.

Learned Senior Counsel for the petitioner submits that he may be permitted to withdraw the instant petition qua the prayer seeking permanent exemption from personal appearance of the petitioner before the learned trial Court, with liberty to file a fresh petition in this regard, if so advised.

Ordered accordingly.”

In compliance of order dated 05.12.2024 passed by this Court, learned Additional District & Sessions Judge, Fast Track Special Court for the offences under POCSO Act, 2012, Gurugram has submitted his report dated 19.12.2024 duly forwarded by the learned District and Sessions Judge, Gurugram, the relevant extract of which reads as under:-

“.....that petitioner-accused Chitra Tripathi has appeared before this Court on 17.12.2024 and as per order dated 05.12.2024 passed by the Hon'ble High Court in CRM-M-61183-2024, the earlier bail bonds & surety bonds furnished



by the accused were stand restored and non bailable warrants issued against her were cancelled.”

In view of the above, nothing survives in the present petition and the same stands disposed of.

Pending application, if any, stands disposed of.

20.12.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

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