

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

Cr.MP(M) No. 2167 of 2020

Decided on: 31.12.2020

RupaPetitioner

Versus

State of Himachal PradeshRespondent

Coram:

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting? ¹

For the Petitioner	:	Mr. Sarvedaman Rathore, Advocate, through Video Conferencing.
For the Respondent	:	Mr. Sudhir Bhatnagar, Additional Advocate General, Through Video Conferencing

Sandeep Sharma, Judge (oral):

Though reply on behalf of the State is stated to have been filed, but same is not on record. However, after having perused copy of reply made available to this court, this Court finds that the applicant before filing petition at hand, praying therein for cancellation of bail at no point of time filed complaint with regard to threats, if any, extended to her by respondents No. 2 and 3 in the police station concerned. Respondent-State, in its reply, has categorically stated that till date, no complaint with regard to threats, if any, extended by respondents No. 2 and 3, to the applicant has come to its notice.

¹ *Whether the reporters of the local papers may be allowed to see the judgment?*

2. Learned counsel for the petitioner while fairly admitting that no intimation was made to the police with regard to the threats given by respondents No. 2 and 3 contends that since victim-prosecutrix and respondents No. 2 and 3 are residents of Karnal, Haryana, complaint with regard to threats was registered at PS Karnal. He states that besides above, victim-prosecutrix has also filed an application before the learned trial Court for recording the statement of victim-prosecutrix at an early date, however such application is still pending.

3. Having taken note of the fact that the petitioner before approaching this Court under Section 439(2) Cr.PC did not lodge complaint to the police with regard to threats, if any, extended by respondents No. 2 and 3, this Court finds no merit in the present petition and accordingly, same is dismissed. However, learned trial Court below is directed to decide the application, if any, filed on behalf of the victim-prosecutrix for recording the statement of prosecutrix at an early date expeditiously, preferably within a period of two weeks from today. Court below while deciding the application may take into consideration that it would be in the interest of victim-prosecutrix in case her statement is recorded at an early date. Learned counsel for the petitioner undertakes to cause presence of victim-prosecutrix or her counsel before the court below on **6.1.2021**, enabling the court below to do the needful well within

the stipulated time in terms of instant order. Registry is also directed to apprise the court below with regard to passing of the instant order enabling it to do the needful well within the stipulated period.

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31st December, 2020
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(Sandeep Sharma),
Judge