

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

Crl. Misc. No.M-18603 of 2015 (O&M)

Date of Decision: 30.10.2015

Sohan Lal

.. Petitioner

Vs.

Santokh Singh & Ors.

.. Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present:- Ms. Sukhpreet Kaur, Advocate
for the petitioner.**

**Mr. Himanshu Puri, Advocate
for respondents No.2 and 5.**

ANITA CHAUDHRY, J.

This is a petition filed by the complainant seeking a opportunity to examine Dr. Mohinder Singh. The evidence of the prosecution had been closed by the Court on 16.04.2015 and thereafter the case had been adjourned for statement of accused under Section 313 Cr.P.C. and it is now fixed for 02.12.2015 for defence evidence.

I have heard learned counsel for the parties and perused the paper-book.

Counsel for the petitioner has urged that complaint had been filed in 2012, but the summoning order was passed and charge was framed on 25.02.2014 and thereafter one of the accused after appearance failed to

appear and some months were wasted for procuring his presence and accused Manga was declared a proclaimed offender in January 2015. It was urged that they had taken dasti summons for service upon Dr. Mohinder Singh and summons had been served, but the doctor sought exemption from appearance as he was on emergency duty that day. The counsel refers to Annexure P-4 and the note made by the Process Server. Counsel further urges that the case was adjourned and summons were ordered to be issued and summons were not received back and the evidence was closed. He further urges that the complainant seeks only one opportunity to summon Dr. Mohinder Singh and they would take dasti summons and they may be permitted to do so as the doctor is a crucial witness to prove the injuries sustained by the complainant.

Counsel for the respondent opposes the prayer. He submits that sufficient opportunity had been granted and last opportunity was being granted to the complainant to complete his evidence and even thereafter four adjournments were granted.

I have perused the zimni orders which are made part of the petition. It appears that much time was lost in completing the preliminary evidence and then securing the presence of the accused. Charge was only framed in

February, 2014. The complainant had examined some witnesses at the initial stage, but thereafter one of the accused absented and the case had to be adjourned for almost four months and he was declared proclaimed offender. The only prayer made by the petitioner is that they may be granted one opportunity. It is stated that they would take dasti summons and ensure that service is effected.

The witness sought to be examined is an important witness. He had been served for 27.03.2015, but since he was on emergency duty, he had sent in his request. No orders were passed for taking the summons dasti and summons were issued in routine, which were not returned. I am of the view that one opportunity should be given to the petitioner to examine Dr. Mohinder Singh. The case is stated to be fixed for 02.12.2015. The petitioner would take dasti summons for the next date i.e. 02.12.2015 and ensure that service is effected. The summons shall be issued without wasting any time.

Petition stands disposed of accordingly.

October 30, 2015
Jiten

(ANITA CHAUDHRY)
JUDGE