

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

CRM M-24464of 2014

Date of decision : 24.03.2015

Vinod Bala

....Petitioner

V/s

Naresh Kumari & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Ms. Rakhi Sharma, Advocate for the petitioner.

Mr. S.S. Goraya, Advocate for the respondents.

RAJAN GUPTA J.

This is a petition under section 482 Cr.P.C. seeking quashing of order whereby evidence of the complainant was closed by order, Annexure P1 and application under section 311 Cr.P.C. was rejected by order, Annexure P2.

Complainant filed a complaint alleging forgery of Will. Accused were directed to be summoned to face trial. On 19.03.2014, trial court closed the evidence of the complainant by order as sufficient opportunities had been availed to conclude the same. Later an application was moved under section 311 Cr.P.C. which was also rejected on 22.05.2014. A perusal of order dated 22.05.2014 shows that no reasons have been assigned for rejecting application under section 311 Cr.P.C. The order is totally cryptic.

Learned counsel for the petitioner has urged that one opportunity may be granted to the petitioner for leading evidence which petitioner was unable to adduce earlier. She submits that said evidence is essential for just decision of the case.

Heard.

Petitioner filed a complaint alleging that accused in connivance with each other had forged Will dated 30.03.1988 in order to grab property of the complainant. According to her, it is necessary to examine two clerks, one from the office of Sub Registrar and other from the Revenue Record Room. Evidence of these two witnesses will throw light on the issues involved in the case. I find merit in the plea of the petitioner. It is, therefore, directed that petitioner be afforded one opportunity to examine the two witnesses as stated in the application under section 311 Cr.P.C.

Petition is allowed in these terms.

March 24, 2015

Ajay

(RAJAN GUPTA)
JUDGE