

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

**Crl. Misc. No.M- 2482 of 2015
Date of decision : 18.12.2015**

Atul Sharma @ Atul Kumar

.....Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Dinesh Mahajan, Advocate
for the petitioner.

Mr. Arshdeep S. Kler, DAG, Punjab with
DSP Navjot Singh.

Mr. Sandeep Arora, Advocate
for respondent no.2.

ANITA CHAUDHRY, J.

This petition has been filed for setting aside the order dated 09.01.2015, passed by the Additional Sessions Judge, Gurdaspur who had closed the evidence of the prosecution.

Heard.

The petitioner is the complainant who had lodged the FIR on 04.08.2013. The evidence of the prosecution was closed vide order dated 09.01.2015.

The counsel for the petitioner urges that the evidence of the prosecution was closed as the State could not procure the presence of DSP Navjot Singh who had gone abroad. It had been pointed out that earlier he had been served for one date but he had failed to appear and after that the Court had issued notices which have not been served.

The impugned order available at page no.11 of the file shows that it had been reported on the summons that he had gone abroad and was on leave.

On the last hearing, it had been informed that DSP Navjot Singh had returned. He is present in the Court. He states that he had gone abroad only for two months.

In view of the above, I feel that opportunity should be given to the prosecution to examine the Investigating Officer who is an important witness for the prosecution. DSP Navjot Singh who is present in the Court is directed to appear before the trial Court on 04.01.2016 i.e. the date fixed before the trial Court. The Court would examine this witness on that day.

The impugned order is set aside. The petition is disposed of thus.

18.12.2015

sunil

**(ANITA CHAUDHRY)
JUDGE**