

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-27415 of 2015

Date of Decision: August 18, 2015

Supinder Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Pardeep Bajaj, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of order dated 27.07.2015 passed by learned Judicial Magistrate Ist Class, Phillaur, whereby the application of the petitioner for summoning the material witnesses for examination by allowing an opportunity to the prosecution, was dismissed, with further prayer to allow the prosecution to bring the material witnesses cited in the application under Section 311 Cr.P.C.

I have heard learned counsel for the petitioner and have gone through the record.

As per the impugned order dated 27.07.2015 passed by learned JMIC, Phillaur, FIR in the present case was registered on 29.04.2009 and charge was framed on 07.08.2010. Since then, the case remained pending for prosecution evidence and prosecution

availed numerous effective opportunities to lead its evidence but till 26.03.2015, the prosecution did not conclude its evidence after availing 35 effective opportunities including last opportunity. Ultimately on 26.03.2015, the evidence of the prosecution was closed by order. In the present petition, the order passed by the Court for closing the evidence has not been challenged. Secondly, the application was filed under Section 311 Cr.P.C. to produce the prosecution witnesses which the prosecution has not examined.

From the record, I find that main charges against the accused are under Sections 323, 325 IPC etc. The FIR was registered in the year 2009. The accused are suffering from long protracted criminal trial for about six years. Even after framing of the charge, more than 4½ years have passed but the prosecution has failed to conclude the evidence. Even if it is taken that out of 35 opportunities, 2-3 opportunities are granted due to the fact that one of the accused was not present, even then, reasonable opportunities have been granted to the prosecution to complete its evidence. The Court is not only to see the prosecution version and to give reasonable opportunities to the prosecution but the Court is also to complete the trial expeditiously and accused are not to be harassed or suffer due to prolong criminal trial.

From the record, it is clear that prosecution without any cogent reason has not produce the witnesses. Therefore, the Court has correctly closed the evidence by order and if application under Section 311 Cr.P.C. is allowed, then it will amount to setting aside of

the order vide which the Court closed the prosecution evidence.

In view of the above, I find that the impugned order dated 27.07.2015 passed by learned JMJC, Phillaur, is correct, as per law and do not require any interference from this Court.

Therefore, finding no merit in the present petition, the same is dismissed.

August 18, 2015
Vgulati

(INDERJIT SINGH)
JUDGE