

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-40885 of 2014 (O&M)

Date of Decision: 28.04.2015

Harshad Gautam

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE R.P. NAGRATH

1. *Whether Reporters of the local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

Present: Mr. Jaswinder Singh, Advocate
for the petitioner.

Mr. Gurveer Sidhu, AAG, Punjab
for the State.

R.P. Nagrath, J. (Oral)

Prayer in the instant petition is for setting aside the order dated 25.11.2014 passed by learned Addl. Sessions Judge, Mohali in FIR No.61 dated 17.06.2014 under Sections 376, 420 IPC, Police Station Phase XI, SAS Nagar, Mohali.

Petitioner is an accused in FIR No.61 dated 17.6.2014 and facing trial for offence under Sections 376, 420 IPC. After his examination under Section 313 Cr.P.C. he moved an application Annexure P-2 for summoning the record of the jail showing entry of the visit of prosecutrix who came to meet the petitioner. The prayer was declined by the learned trial Court seemingly under the impression that the application was made for recalling of the

prosecutrix which in fact is not correct observation according to the record.

After hearing learned counsel for the petitioner and learned State counsel, the impugned order is set aside and learned trial Court is directed to decide the application for summoning of defence witnesses afresh in accordance with law as the impugned order is factually incorrect.

The parties are directed to appear before the trial Court on 07.05.2015. It is directed that the trial Court would fix the case for 07.05.2015 and decide the application after hearing the parties afresh, in accordance with law within a period of one week from 07.5.2015.

Petition stands disposed of in the terms indicated above.

(R.P. Nagrath)
Judge

28.04.2015
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