

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

CRM No.M-18442-2015

Date of decision: August 30, 2016

Heera Singh

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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

Mr. Tanuj Sharma, AAG, Haryana
for respondent No.1-State.

Mr. Shiv Kumar, Advocate
for respondents No.2 and 3.

JASPAL SINGH, J.(ORAL)

By virtue of the instant petition under Section 482 of Code of Criminal Procedure, petitioner has sought quashing of the order dated 18th March, 2015 (Annexure P-1) passed by learned Judicial Magistrate Ist Class, Faridabad, whereby, the evidence of the prosecution has been closed without examination of the Medical Officers/Radiologist in case bearing FIR No.577 dated 30.09.2009, under Sections 323, 325, 34 IPC registered at Police Station City Ballabgarh, District Faridabad.

No doubt, report under Section 173(2) Cr.P.C. was presented before the trial Magistrate in the month of October, 2009 but the alleged examination of offence under Sections 323, 325 and 34 IPC and the charges were framed on 4th May, 2010. Number of opportunities were also afforded to the prosecution to adduce and conclude its evidence. Though, some of the witnesses have been examined but the Medical Officers/Radiologist still remain to be examined who were being summoned by the trial Magistrate

adopted by learned Magistrate to close the evidence. Learned Magistrate was supposed to secure their presence by adopting coercive method to advance the cause of justice, which has not been done in this case.

Accordingly, the order dated 18th March, 2015 (Annexure P-1) is *set aside* and the trial Magistrate is directed to examine the Medical Officers/Radiologist who still remain to be examined by securing their presence. At the same time, Commissioner of Police, Faridabad is directed to secure the presence of the aforesaid witnesses and to produce them for their examination before the trial Magistrate. The compliance of this order is expected from the Commissioner of Police, Faridabad as well as trial Court within a period of three months from the date of receipt of certified copy of this order subject to learned State counsel for its strict compliance by the Police authorities.

August 30, 2016
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No