

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-26214 of 2012 (O&M)
Date of decision: March 18, 2016.

Darshan Singh

... **Petitioner**

v.

State of Punjab and others

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE KULDIP SINGH**

Present: Mr. Sudhir Sharma, Advocate for the petitioner.

Mr. APS Gill, Assistant Advocate General, Punjab.

Mr. Jagtar Singh Sidhu, Advocate for respondents No.2, 3 & 5.

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

Kuldip Singh, J. (Oral):

The petitioner is aggrieved of the order dated 3.8.2012 (Annexure P-1) passed by learned Additional Sessions Judge, Bathinda vide which the prosecution evidence was closed by order.

It comes out that the trial under Sections 307, 120-B, 148, 149 IPC and 25/27 of the Arms Act was pending before learned Additional Sessions Judge, Bathinda. Learned Additional Sessions Judge vide the impugned order, after recording that number of opportunities were granted to the prosecution, closed the prosecution evidence by order.

I have heard learned Counsel for the parties.

Learned Counsel for the petitioner contends that in this case on many occasions, the accused were not produced which resulted in adjournments. It is stated that except Darshan Singh complainant, no

other injured has been examined. Learned Counsel for the State, on instructions from ASI Sukhdev Singh, states that out of 16 prosecution witnesses, only three have been examined.

Keeping in view the fact that the case is under Section 307 IPC and in order to do effective justice between the parties, I am of the view that the injured witnesses must be examined and the matter should preferably be decided on merits.

As such, the impugned order is set aside. The trial court is directed to grant three opportunities of 15 days each to the prosecution to get the service of summons effected and produce all the witnesses, if so desired. Thereafter, no opportunity shall be granted. It is further directed that the counsel for the parties shall remain present in the court and this case will be taken up at 10.30 a.m. and the absence of any counsel shall be no ground for adjournment.

The petition is accordingly allowed.

March 18, 2016.
kadyan

[Kuldip Singh]
Judge