

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

Criminal Misc.No.M-32512 of 2014

Date of Decision: January 13, 2016

Kamaljit Singh

...Petitioner

Versus

State of Punjab & Anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

1. Whether Reporters of 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.Jaideep Verma, Advocate,
for the petitioner.

Mr.K.S.Pannu, DAG, Punjab.

Ms.Amandeep Kaur, Advocate,
for respondent No.2.

Naresh Kumar Sanghi, J.(Oral)

Challenge in this petition is to the order dated
01.09.2014 (Annexure P-5) passed by learned Judicial
Magistrate First Class, Ludhiana, whereby the evidence of the
prosecution was closed by order.

Learned counsel for the petitioner/informant
contends that vide order dated 15.05.2014 (Annexure P-3),
learned trial Court found that the evidence of the witnesses, who
were not summoned, was essential for just decision of the case
in that eventuality the Court below should have afforded

adequate opportunities to the prosecution for summoning the said witnesses for making deposition. He further submits that the allegations against the respondent/accused are serious and as such, the order dated 01.09.2014 (Annexure P-5) whereby the evidence of the prosecution was closed by order is not tenable in law and facts.

Learned counsel for the State has supported the stand taken by the petitioner-informant.

Learned counsel for respondent No.2 though opposed the prayer of learned counsel for the petitioner and the stand taken by learned counsel for the State but could not substantiate as to why one more opportunity should not be afforded to the prosecution/informant to produce the unexamined witnesses before learned trial Court for making deposition.

After hearing learned counsel for the parties, the order dated 01.09.2014 is set aside and it is directed that one effective opportunity would be afforded to the prosecution/informant to produce the witnesses i.e *Halqa Patwari* and a clerk of the office of Sub-Registrar, Ludhiana (East), for making their statements.

Disposed of.

January 13, 2016
seema

(Naresh Kumar Sanghi)
Judge