

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-37080 of 2014 (O&M)
Date of Decision: May 12, 2016

Iqbal Singh

...Petitioner

VERSUS

State of Punjab and another

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Parminder Singh Kanwar, Advocate
for the petitioner.

Mr.Sidakmeet Sandhu, Deputy Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against respondents State of Punjab and Narinder Singh for quashing of order dated 21.08.2014 vide which the evidence of the prosecution was closed by order and order dated 13.10.2014 vide which the application for additional evidence moved by the petitioner was dismissed by learned Judicial Magistrate 1st Class, Tarn Taran.

Notice of motion was issued and learned State counsel appeared and contested the petition.

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

From the record, I find that learned JMJC, Tarn Taran on

21.08.2014 passed the following order:-

“PW Dalbir Singh is present and given up by filing an application to the fact he has been won-over by the accused. No other PW is present and examined. Process of PWs received back unserved. The perusal of the file reveals that FIR pertains to the year 2008 and charge against the accused was framed on 22.10.2012 since then the prosecution had availed sufficient numbers of opportunities to conclude its evidence including last opportunities. Today, it is last opportunity. Ld. Addl. P.P. request for date. Keeping in view of the above mentioned facts and circumstances, no ground is made out to adjourn the case further of evidence of the prosecution. As such, evidence of the prosecution is closed by order. Case is adjourned to 27.08.2014 for recording the statement of the accused under Section 313 of Cr.P.C.”

The perusal of the above order shows that the Calendra was filed in the year 2008 and as per this order, charges were framed in the year 2012. Since then, the prosecution has availed sufficient opportunities to conclude its evidence including last opportunity. The Court is to give reasonable opportunities to the prosecution to complete the evidence. If the prosecution failed to complete the evidence within the reasonable opportunities, then the Court can decline further adjournment. In the present case, in the facts and circumstances, the Court below has correctly closed the evidence. The accused cannot be harassed for years together by the prosecution by not producing the evidence. The accused has also right to expeditious trial. No illegality has been committed by the Court below while passing the order dated 21.08.2014.

As regarding order dated 13.10.2014, I find that the application for additional evidence was dismissed on the same ground that evidence has been closed by the Court and the Investigating

Officer could not be examined despite repeated adjournments. The complainant prayed for additional evidence for examining formal witnesses including the Investigating Officer. In this order dated 13.10.2014, the Court below again held that charges were framed in the year 2012 and after that prosecution has availed more than 25 opportunities including various last opportunities but in spite of that, the Investigating Officer and other formal witnesses were not produced. It is also held that prosecution has already availed sufficient opportunities to lead the evidence. Therefore, no illegality has been committed by the Court below while passing the order dated 13.10.2014.

In view of the above discussion, I find that the orders dated 21.08.2014 and 13.10.2014 passed by learned JMIC, Tarn Taran, are correct, as per law and the same are upheld.

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

May 12, 2016
Vgulati

(INDERJIT SINGH)
JUDGE