

CRM-M-11460 of 2017

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

CRM-M-11460 of 2017  
Date of Decision: 07.12.2017

Lal Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

**CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: - Mr. Sandeep Kumar, Advocate, for the petitioner.  
Ms. Bhavna Gupta, DAG, Punjab.  
Mr. S.S. Siao, Advocate, for respondent No.2.

**RAMENDRA JAIN, J. (ORAL)**

In compliance of order dated 02.12.2017, learned counsel for the petitioner has produced the receipt of ₹ 5,000/- deposited with the Member Secretary, Punjab Legal Services Authority, Chandigarh, as costs. The same is taken on record.

Prayer in the instant petition under Section 482 Cr.P.C. has been made for setting aside order dated 08.11.2016 (Annexure P-1) passed by learned SDJM, Payal, closing the prosecution evidence and also order dated 14.02.2017 (Annexure P-2) of the Revisional Court affirming the order dated 08.11.2016 (Annexure P-1).

Put pithily, the petitioner got registered FIR No.302 dated 16.11.2008 under Sections 420, 468, 471 and 201 IPC against respondent No.2 at Police Station Payal, District Ludhiana, in which after due investigation, final report under Section 173(2) Cr.P.C. was filed against

respondent No.2. Accordingly, respondent No.2 was charge-sheeted to face trial under all the aforesaid Sections. During trial, when the prosecution did

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not complete its evidence, in spite of availing several opportunities, the trial Court closed the prosecution evidence vide impugned order dated 08.11.2016 (Annexure P-1). Being aggrieved by the said order, petitioner approached the Revisional Court, but remained unsuccessful and his revision was dismissed vide order dated 14.02.2017 (Annexure P-2).

Learned counsel for the petitioner contends that respondent No.2 is a police official and, thus, the prosecution witnesses did not come present and got recorded their statements. It was not in the hand of the petitioner/complainant to examine the prosecution witnesses i.e. Officials of the Government department, therefore, it was the duty of the Court to examine them by procuring their presence by adopting coercive methods, if they were not appearing through ordinary process.

Learned State counsel contends that whatever documents are intended to be brought on record are in the shape of photocopies, thus, they are not sufficient to prove the guilt of respondent No.2 to the hilt.

Learned counsel for respondent No.2 vehemently opposed the arguments raised by learned counsel for the petitioner and prayed for dismissal of the instant petition. He has produced certified copies of the zimni orders of the trial Court. The same are taken on record. Learned counsel submits that perusal of zimni orders shows that the prosecution could/did not conclude its evidence in a span of around five years despite seeking repeated adjournments, may be around 40, as has been mentioned by the trial Court in the impugned order (Annexure P-1) passed by learned SDJM, Payal. Learned counsel submitted that according to the petitioner/complainant, who proclaims himself to be a Press Reporter, has

lodged the instant FIR against respondent No.2, levelling allegations that respondent No.2 went abroad on false medical certificate and also

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impersonated himself as Sub Inspector though he was only Assistant Sub Inspector. Respondent No.2 is a Government official, but he also indulges in private business since last three years, to which the department of respondent No.2 needs to probe it.

I have given anxious consideration to the submissions made by learned counsel for the parties and also gone through interlocutory orders.

Considering over-all facts and circumstances, it seems that petitioner is pursuing a luxury litigation against respondent No.2 to satisfy his whims and fantasies for the reasons best known to him. The petitioner, admittedly, was convicted by the trial Court in case FIR No.55 dated 13.04.2003 under Section 354 IPC got lodged by a woman at Police Station Payal, which was investigated by respondent No.2, but has now been acquitted by the appellate Court.

Instant case pertains to the year 2008. Respondent No.2 has already been made to suffer the protracted trial for around nine years. There is no fault of him if the prosecution could not conclude its evidence in a span of five years after framing of charges and availing around/more than 40 opportunities.

I have gone through the orders of both the Courts below and find no illegality or perversity in the same. Accordingly, this petition is dismissed.

**December 07, 2017**  
R.S.

**(RAMENDRA JAIN)**  
**JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No