

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

CRL. MISC. No.M-1180 OF 2014 (O&M)
DATE OF DECISION : 14TH MARCH, 2016

Subhash Chand Sharma

.... Petitioner

Versus

**Central Bureau of Investigation, New Delhi through its Director &
another**

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

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

Mr. Sumeet Goel, Advocate, Retainer Counsel for CBI.

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A. B. CHAUDHARI, J. (ORAL)

Rule heard forthwith with consent of counsel for the rival parties.

In FIR No.154 dated 26.08.1995 registered under Sections 364, 376, 302 read with Section 201 IPC at PS Farakpur, Yamuna Nagar, in the pre-committal proceedings the prosecution examined seven witnesses having regard to Section 299 Cr.P.C. Since the accused namely Sunil Gupta absconded and even now he is untraceable, the Court of ACJM, Ambala, therefore vide order dated 25.09.2007 adjourned the case *sine-die* till appearance of the accused.

Learned counsel for the CBI submits that even till date the accused has not been traced.

This is a petition by father of the deceased for recording of evidence of Balram and Raj Kumar, petitioners before the ACJM, which according to him has not been recorded.

Learned counsel for the CBI fairly states that their evidence cannot be recorded as CBI has been making attempts to arrest the accused though unsuccessful.

In the light of these facts, I find merit in the submission made by learned counsel for the petitioner, particularly when almost ten years have already passed after ACJM, Ambala made the order adjourning the case *sine-die*. The prayer made by the petitioner is, therefore, in accordance with the provisions of Section 299 Cr.P.C. In the result I make the following order:

ORDER

- (i) CRL. MISC. No.M-1180 OF 2014 is allowed.
- (ii) The Court of Special Judicial Magistrate, CBI Haryana at Panchkula shall examine the witnesses namely Balram and Raj Kumar.
- (iii) The witnesses be produced by the prosecution before the above said Court on 30.03.2017. The Court shall complete the recording of their evidence under Section 299 Cr.P.C. within six months from today.

Disposed of accordingly.

14TH MARCH, 2016
‘raj’

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No