

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

**CRM No. M-1621 of 2017
Date of decision: 27.04.2017**

Kumkum Rani Gautam

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. H.S. Dhindsa, Advocate,
for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

Mr. Vimal Kumar Gupta, Advocate,
for respondent Nos.4 and 5.

Ritu Bahri, J.

Petitioner-complainant is seeking quashing of the order dated 09.12.2016 (Annexure P-2) passed by the Sub Divisional Judicial Magistrate, Kalka, whereby evidence of the prosecution has been closed by order.

Reply on behalf of respondent No.1-State, by way of affidavit of Assistant Commissioner of Police, Kalka, Panchkula, has been filed in Court. Same is taken on record.

Learned State counsel, on instructions, has informed the Court 09 prosecution witnesses were examined during trial. Out of them, 06 were official witnesses. The petitioner is now seeking to examine ASI Ishwar Chand (PW-10), ASI Ishpal Singh (PW-12) and Inspector Raj Kumar (PW-13). Since 06 official witnesses have already been examined, there is no necessity to examine these 03 witnesses.

Gayatri Devi, mother of complainant, has not been examined and no reason has been given as to why she has not been examined by the prosecution.

Learned State counsel, on instructions from ASI Karan Singh, has further informed that after 09.12.2016, statements of accused under Section 313 Cr.P.C. have already been recorded and the trial is at the stage of final arguments.

Learned counsel for respondent Nos.4 and 5 has informed that the evidence of prosecution has been closed after affording 10 effective opportunities to the prosecution. He has further informed that one of the official witnesses has gone abroad. He has shown zimni orders in the Court to this effect.

Keeping in view the fact that 06 official witnesses have already been examined before the trial Court and the trial is at the stage of culmination, the petitioner cannot seek the benefit of judgment passed by this Court in **Om Parkash Vs. State of Haryana and others**, 2015 (3) RCR (Crl.) 557.

Resultantly, no ground is made out to interfere in the impugned order.

Dismissed.

27.04.2017
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No