

292 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17755-2017(O&M)

Date of decision: 16.08.2017

Jagseer Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. N.S.Dandiwal, Advocate
for the petitioner.

Mr. Randeep Singh Khaira, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

This is a petition seeking quashing of the order dated 05.05.2017 (Annexure P-4) vide which, the trial Court has closed the defence evidence of the petitioner.

It is submitted on behalf of the petitioner that as per list of witnesses supplied by the petitioner-accused, one DW Dr. Chamandeep Singh Bains was summoned by the trial Court and despite service, witness was not present.

The trial Court issued non-bailable warrants against the witness. However, despite the same, the witness was not present and the evidence of the petitioner was closed vide impugned order dated 05.05.2017. It is further submitted by learned counsel for the petitioner that recording of this witness is material defence available to the petitioner – accused. This witness has issued two MLRs to the complainant, one MLR shows in the 8 injuries and the other MLR, shows the same 3 injuries relating the same occurrence and call the same injured person. It is thus contended that the witness is intentionally not appearing before the trial Court and is avoiding the appearance as a defence witness.

The learned State counsel, on instructions from ASI Santokh Singh, has not disputed this factual position.

In view of the submission made by learned counsel for the petitioner, this petition is allowed. The impugned order dated 05.05.2017 (Annexure P-4) is set aside and the trial Court is directed to procure the appearance of DW Dr. Chamandeep Singh Bains by affording one more effective opportunity to the petitioner- accused.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

16.08.2017
Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No