

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM M-24213 of 2016

Date of decision : 02.06.2017

Davinder Singh @ Gogi

...Petitioner

V/s

State of Punjab

...Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Bipan Ghai, Sr. Advocate with
Mr. Paras Talwar, Advocate for the petitioner.
Mr. V. Ramswaroop, Addl. A.G. Punjab.
Mr. Sunil Chadha, Sr. Advocate with
Mr. Amar Veer Singh, Advocate for the complainant.

RAJAN GUPTA J.

On the last date of hearing following order was passed in this
case:

“ Learned State counsel submits that no instructions are forthcoming in light of order dated April 26, 2017. He prays for a short adjournment to file affidavit of Commissioner of Police, Ludhiana. Prayer is accepted. Needful be done within a week.

To come up on 02.06.2017.

Trial has been pending for considerable period. It is made clear that in case trial of the case is further delayed due to absence of any of the accused, State shall be at liberty to move an application under section 439(2) Cr.P.C.”

Learned State counsel has filed affidavit of R.N. Dhoke, Commissioner of Police, Ludhiana. Same is taken on record. He has referred to para 3 thereof. Same reads as under:—

“3. That in compliance to the said order of this Hon’ble court, it is respectfully submitted that in case FIR No. 122 dated 10.06.2012 u/s 302, 307, 420, 467, 468, 471, 148, 149, 506, 427 IPC and 25/27 of Arms Act, P.S. Salem Tabri, Ludhiana, there are total 24 prosecution witnesses out of which the evidence of 4 prosecution witnesses has been recorded before the Ld. Trial Court and evidence of the remaining prosecution witnesses is yet to be recorded. However, for speedy trial, the answering deponent has written Letters dated 29.05.2017 to the District Attorney (Prosecution), Ludhiana, Jail Superintendent, Central Jail, Ludhiana, Line Officer, Police Line, Ludhiana as well as to the Incharge, Pairvai Staff, Ludhiana. All these officers have been directed to play their respective roles in bringing the prosecution witnesses before the Ld. Trial Court and see that the trial is concluded as early as possible and no adjournment should be wasted on the part of the prosecution.”

An assurance has been given by prosecution that it shall conclude its evidence as soon as possible.

In view of above, learned counsel for the petitioner submits that he may be allowed to withdraw this petition at this stage.

Dismissed as withdrawn with liberty to the petitioner to file afresh in case trial does not conclude within a period of five months.

June 02, 2017

(RAJAN GUPTA)
JUDGE

Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No