

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

Criminal Misc. No.M-3452 of 2011 (O&M)

Date of Decision: July 18, 2017.

Inder Sain

.....PETITIONER(s).

VERSUS

Central Bureau of Investigation

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. S.K. Garg Narwana, Senior Advocate with
Mr. Naveen Gupta, Advocate
for the petitioner (s).

Mr. Sumeet Goel, Advocate
Retainer counsel for respondent-CBI with
Mr. S.S. Yadav, DAL, CBI.

SURINDER GUPTA, J.(Oral)

This is petition against the order dated 13.01.2010 passed by Special Judge (CBI), Ambala, whereby the application under Section 91 Code of Criminal Procedure filed by petitioner Inder Sain and his co-accused Avtar Singh, was dismissed.

2. Learned counsel for the petitioner seeks permission to withdraw this petition with liberty to raise all the legal pleas available to the petitioner at the time of final arguments of the case.

3. Learned counsel for respondent-CBI submits that under the garb of reserving right to address argument, petitioner may re-agitate the issue relating to merits of this application at the time of arguments and seeks

permission to allow the same with a view to delay the disposal of the trial.

4. The apprehension of learned counsel for respondent-CBI appears to be misconceived. Learned counsel for the petitioner has not sought any permission to challenge the order passed on the application dated 11.12.2009. The legal plea pertaining to the admissibility of evidence on record can always be raised before the Court at the time of final arguments and it is for the Court to see the relevance and admissibility of such plea.

5. In view of above discussion, the request of learned counsel for the petitioner is allowed. The petition is dismissed as withdrawn with liberty to the petitioner to raise all the legal pleas relating to the case available to him at the time of final arguments.

6. It is, however, made clear that nothing contained in this order shall be interpreted as giving permission to the petitioner to assail the impugned order, which has attained finality on withdrawal of this petition.

July 18, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No