

CRM-M-9678-2015

[1]

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

(Sr. No.286)

CRM-M-9678-2015
Date of Decision:-April 18, 2017

Bahadur Singh

.....Petitioner

V/S

Paras Ram and others

.....Respondents

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

Present : Mr. Adish Gupta, Advocate,
for the petitioner.

Mr. Sandeep Goyal, Advocate,
for the respondents.

A.B. Chaudhari, J. (Oral)

Rule. Heard forthwith with the consent of the rival parties.

What is under challenge in the present petition is the impugned order dated 03.01.2015 under Section 156(3) of Cr.P.C. passed by the trial Court.

Learned counsel for the petitioner submits that the petitioner is unable to lead any evidence by way of preliminary evidence since the documents are not in his possession but they are in possession of the respondents and, therefore, he is not in a position to lead the preliminary evidence as ordered under the impugned order.

This Court is not concerned with either of the parties as to what evidence should be produced and by what method. However, I find that under the impugned order the trial Court has given no reasons for dismissing the application, which has been dismissed by one line order. The order is clearly is non speaking one and cannot be allowed to stand. The

trial Court ought to have given reasons for dismissing the application rather than making a non speaking order. In that view of the matter, without going into the merits of the matter leaving both the parties to raise whatever factual and legal questions they want to raise, the following order is passed:-

ORDER

1. Rule is made absolute in part.
2. The impugned order dated 03.01.2015 passed by the trial Court is quashed and set aside. The proceedings under Section 156(3) of Cr.P.C. are sent back to the trial Court for hearing and passing a fresh order in accordance with law after hearing the petitioner.

April 18, 2017

Pankaj

(A.B. Chaudhari)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No