

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

CRM-M No.17127 of 2015 (O&M)

Date of decision: 14.03.2018

Karam Chand

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Shiv Kumar, Advocate
for the petitioner.

Mr. Abhay Pal Singh Gill, AAG, Punjab.

None for respondents No.2 to 4.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for setting-aside the order dated 02.05.2015 (Annexure P1) vide which the evidence of the prosecution was closed by the trial Court.

Counsel for the petitioner/complainant has submitted that on 04.04.2015, one of the witness i.e. Manjit Singh, who is Investigating Officer in the case was bound down for the next date i.e. 18.04.2015 and on 18.04.2015, summons issued to a witness, who is a Clerk from the office of District Transport Officer, Hoshiarpur were received back unserved and thereafter, the case was adjourned to 23.04.2015. Again on 23.04.2015, the case was adjourned for 02.05.2015 and despite the fact that Manjit Singh, the Investigating Officer was bound down for that date i.e. 02.05.2015, he failed to appear before the trial Court and the trial Court passed the impugned order closing evidence of the prosecution.

While issuing notice of motion vide order dated

26.05.2015, passing of the final order was stayed and this matter is pending for the last 03 years and, therefore still the proceedings before the trial Court are stayed.

Counsel for the State has raised no objection to the prayer of the petitioner and further submitted that both the witnesses, are important witnesses i.e. the Investigating Officer who has to prove the investigation as well as the Clerk from the office of District Transport Officer, Hoshiarpur, who has to prove some record and their evidence is required for just and proper disposal of the case.

Since, there is no representation on behalf of respondents No.2 to 4 i.e. the accused persons, this petition is allowed, the impugned order dated 02.05.2015 is set-aside and the trial Court is directed to grant one effective opportunity to the prosecution to record the statement of both the above-named witnesses.

The parties are directed to appear before the trial Court on 26.03.2018 and the trial Court will fix one date for recording the statement of both the witnesses.

Since, both the witnesses are official witnesses, the trial Court will issue summons, in accordance with law, for procuring their presence.

(ARVIND SINGH SANGWAN)
JUDGE

14.03.2018
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No