

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-23921-2018

Date of decision: 26.09.2018

Mehtab Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Bikramjit Aroura, Advocate for the petitioner.

Mr. AS Gill, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C., prayer has been made for quashing impugned order dated 10.05.2018 (Annexure P-4) of the trial Court, whereby prosecution evidence was closed by order without enquiring whetherailable warrants issued on 17.04.2018 were served upon prosecution witness, namely; ASI Gurdeep Singh, Investigating Officer.

In nutshell, evidence of the prosecution was closed by the trial Court, vide impugned order Annexure P-4, on account of non-appearance of ASI Gurdeep Singh, Investigating Officer, despite seeking several adjournments, stoppage of his salary and issuance ofailable warrants against him.

Learned counsel *inter alia* contends that the petitioner-complainant should not be made to suffer, on account of absence of

official witness.

On instructions from ASI Gurdeep Singh, Investigating Officer in this case, learned State counsel submits that absence of the Investigating Officer was not intentional or deliberate, rather was on account of marriage of his son during the relevant period. He further submits that he has no objection, if, impugned order is set aside and the prosecution is granted one opportunity to examine the Investigating Officer and conclude its evidence.

In view of the totality of the facts and circumstances, the instant petition is allowed and impugned order dated 10.05.2018 (Annexure P-4) is set aside. Prosecution is granted one last opportunity to examine ASI Gurdeep Singh, Investigating Officer, present in Court today. He is directed to appear before the trial Court on 09.10.2018, the date already fixed for his statement.

September 26, 2018

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No