

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

**CRM-M No. 25398 of 2017 (O & M)
Date of Decision:-30.11.2018**

Hardev Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Ishan Gupta, Advocate
for the petitioners.

Mr. Nikhil Chopra, Addl. A.G., Punjab.

Mr. Aman Dhir, Advocate
for the complainant.

MANOJ BAJAJ J.(Oral)

Petitioners have preferred this petition under Section 482 Cr.P.C. to challenge the order dated 04.9.2015 (Annexure P-7) passed by the Additional Sessions Judge, Sangrur, dismissing the criminal revision petition brought by the petitioners by upholding the decision dated 04.5.2015 (Annexure P-6), whereby application moved by the accused (petitioners) under Section 306 Cr.P.C. for grant of pardon was dismissed.

The prosecution of the petitioners relates to case FIR No. 133 dated 25.8.2013, under Sections 465, 467, 468 and 471 IPC, registered at Police Station Bhawanigarh, District Sangrur.

I have heard learned counsel for the parties.

Learned counsel for the petitioners contended that the

petitioners had moved an application on the ground that they wish to disclose the true facts and are willing to appear as witnesses on behalf of prosecution. The case relates to forgery of an agreement dated 12.1.2005 and the petitioners happen to be the witnesses of that alleged forged instrument.

On the other hand, learned State counsel has opposed the prayer and has submitted that the concession under Section 306 Cr.P.C. cannot be claimed by the accused (petitioners) as a matter of right. It is also pointed out that the prosecution has already discharged the onus.

This Court has also sought for the report from the trial Court regarding status of the trial vide order dated 28.8.2018. In response to the same, the Additonal Chief Judicial Magistrate, Sangrur has forwarded a report dated 20.09.2018 indicating that the statement of the accused persons under Section 313 Cr.P.C. already stands recorded on 18.9.2018. The impugned order has been perused and it is observed that the Court below has properly appreciated the material before it and has rightly dismissed the application moved by the petitioners.

Considering the stage of the trial, no interference in passing of order dated 04.9.2015 (Annexure P-7) is called for.

Dismissed.

November 30, 2018
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No