

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

CRM-M-28866-2015 (O&M)

Date of Decision:-4.7.2018

Charanjit Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sherry Singla, Advocate for the petitioner.

Mr. A.S.Sandhu, Addl. A.G. Punjab.

GURVINDER SINGH GILL, J. (Oral)

The petitioner aggrieved by order dated 21.5.2015 (Annexure P-3) passed by learned SDJM, Malerkotla whereby the evidence of the prosecution had been closed by order, has challenged the same by way of filing the present petition.

The proceedings arise out of Kalandra bearing DDR No.6 dated 6.9.2010 under Section 182 IPC, Police Station Amargarh. A perusal of the impugned order reveals that the learned SDJM, Malerkotla while noticing that the proceedings have been pending since the last about five years and despite large number of opportunities having been afforded to the prosecution, the evidence had not been concluded, proceeded to close the evidence by order.

I have heard the learned counsel for the petitioner and have also perused the zimni orders as reproduced in the petition. A perusal of the same

shows that though on several dates the matter had to be adjourned on account of request of the accused but yet several adjournments had been afforded to the prosecution to produce the witnesses whose presence had not been secured despite repeated adjournments. A period of five years is a sufficiently long period for the prosecution to conclude the evidence. In these circumstances, I do not find any infirmity in the impugned order dated 21.5.2015 and the same is hereby upheld.

There is no merit in this petition and the same is hereby dismissed.

Before parting this order, this Court is constrained to observe that the matter has not been dealt with appropriately and efficiently on behalf of the prosecution. The Director, Prosecution and Litigation as well as Senior Superintendent of Police, Sangrur are directed to look into the matter and to ensure that such lapses do not occur in future.

July 4, 2018

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No