

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

CRM-M No.38930 of 2015 (O&M)

Date of decision: 29.08.2018

Bimla Devi

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Puneet Sharma, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

Mr. Jasraj Singh, Advocate
for respondents No.2 to 4.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for setting-aside the order dated 10.08.2015 (Annexure P8) passed by the Additional Sessions Judge, Hoshiarpur as well as the order dated 07.02.2015 (Annexure P6) passed by the Judicial Magistrate Ist Class, Hoshiarpur, vide which the application dated 19.08.2014 seeking separation of trial for the accused – Sarabjit Singh @ Suba has been dismissed.

At the very outset, counsel for the petitioner restricts his argument only to the extent that re-recording of the evidence while starting the *de novo* trial be restricted to the right of cross-examination by accused – Sarabjit Singh @ Suba as the statement of all the other prosecution witnesses, whose cross-examination have already been completed *qua* accused – Jatinder Singh and Karambir Singh @ Rinku, who have faced the trial since beginning.

Counsel for the petitioner has further submitted that since

the trial pertains to the year 2007, the trial Court be also directed to conclude the trial expeditiously.

Counsel for the State as well as counsel for respondents No.2 to 4, have no serious objection to the submissions made by counsel for the petitioner.

In view of the above, this petition is disposed of with a clarification that the evidence to be recorded after order of *de novo* trial, shall be read only with regard to the accused person namely Sarabjit Singh @ Suba, against whom fresh charges have been framed and the statement of the prosecution witnesses, whose cross-examination on behalf of the accused persons namely Jatinder Singh and Karambir Singh @ Rinku, stands completed, shall be read qua these two accused persons.

With the aforesaid clarification, this petition is disposed of and the trial Court is directed to conclude the trial expeditiously preferably within a period of 01 year from the date of receipt of certified copy of this order.

(ARVIND SINGH SANGWAN)
JUDGE

29.08.2018

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No