

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

201

CRR-844-2015 (O&M)

Date of Decision:27.07.2018

Balwinder Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. K.P.S. Virk, Advocate for  
Mr. K.S. Dhaliwal, Advocate,  
for the petitioner.

Mr. Tanvir Joshi, A.A.G., Punjab.

Ms. Puja Chopra, Advocate,  
for respondent Nos.2 and 3.

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HARI PAL VERMA, J.(Oral)

Petitioner has filed the present revision petition impugning the order dated 29.01.2015 passed by learned Principal Magistrate, Juvenile Justice Board, Patiala-cum-JMIC, Patiala, whereby prosecution evidence has been closed by order. The order reads as under:-

*“No PW is present despite last opportunity. Sufficient opportunity have been granted for the prosecution for the evidence of the complainant Balwinder Singh but he has failed to appear before the court. Perusal of the file shows that the challan was presented in this case on 21.02.2013, FIR was registered on 10.05.2013 and notice was served upon the accused in this case on 17.04.2014. Numerous opportunities were granted to the prosecution to conclude the evidence but the prosecution has failed to conclude the*

*same. There are specific directions by the Hon'ble High Court to dispose of inquiries pertaining to juvenile within four months. I do not find any jurisdiction to adjourn the case of the prosecution for evidence. As such, the evidence of the prosecution is closed by order."*

Learned counsel for the petitioner has argued that the petitioner is complainant in the case. He is an old person and therefore, could not get himself examined though he was partly examined. He confined his prayer that let the complainant be given one effective opportunity to get himself examined and the petitioner undertakes that he will not prolong the trial in any manner.

On the other hand, learned State Counsel has argued that the petitioner is unnecessarily delaying the trial despite having been afforded as many as 18 effective opportunities, but he failed to get himself examined. The object of the petitioner is to prolong the trial in one way or the other and there is hardly any justification to further grant any opportunity.

Learned counsel appearing on behalf of respondent Nos.2 and 3 has also joined hands with the learned State Counsel.

I have heard learned counsel for the parties.

Though the order dated 29.01.2015 depicts that sufficient opportunities were granted to the complainant to conclude his evidence but the prosecution has failed to conclude the same. Even otherwise, inquiries pertaining to juvenile before the learned Principal Juvenile Justice Board is required to be decided expeditiously.

No doubt, the petitioner has been afforded numerous opportunities but since he has claimed that he has lost his grandson and has given an undertaking that he will complete his evidence in case one

effective opportunity is granted to him, this Court grants one effective opportunity to the petitioner to get himself examined. At the same time, since the inquiry is pending before the learned Principal Magistrate, Juvenile Justice Board, Patiala-cum-JMIC, Patiala since 2013, the prosecution shall make an endeavour to complete their evidence without any further delay.

The present petition is disposed of accordingly and the petitioner is granted one more opportunity.

It is made clear that the petitioner shall not cause any delay in trial in any manner.

**July 27, 2018**  
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**(HARI PAL VERMA)**  
**JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No