

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

**Criminal Revision No.2107 of 2018 (O&M)
Date of Decision: July 02, 2018**

Satish Kumar Jain and another

.....PETITIONER(s).

VERSUS

Umesh Kumar and another

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr.Sanjeev Kumar Panwar, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

Heard.

Learned counsel for the petitioners submits that the land in suit was purchased by the petitioners-accused from Hindustan Petroleum Corporation Ltd. (HPCL) and to prove this fact, the record was summoned from Regional Office of HPCL, Panipat, which is very old. He does not deny that thirteen opportunities were granted to the petitioners to produce the defence evidence but submits that the record being old could not be produced. He confines the relief claimed in this petition only to the extent that concerned Clerk of the Regional Office, HPCL, Panipat be allowed to be summoned with the relevant record as mentioned at serial No.(vii) of the application dated 20.11.2017 (Annexure P-2) minus service record of Sh. B.M.Vakeel. The petitioners be allowed only one opportunity to produce the said witness and he will take dasti summons and get the service of the concerned witness effected and will not seek any further adjournment from

the trial Court.

Keeping in view the submission of the learned counsel for the petitioners, this petition is disposed of with direction to the trial Court to grant one opportunity to the petitioners to examine concerned official of the Regional Office of HPCL, Panipat with record of lease agreement/rent agreements between HPCL and its predecessor companies and Banarsi Dass and his successors as mentioned at serial No.(vii) of the application dated 20.11.2017. The petitioners will take dasti summons of the witness and get him served at their own responsibility. On receipt of this order, learned trial Court will allow one more opportunity to the petitioners. It is, however, made clear that no further opportunity should be allowed to the petitioners.

The order has been passed in the absence of respondents to avoid unnecessary delay and expenses. A copy of this order be conveyed to the respondents. In the event of respondents having any objection, they may file application to that effect. On receipt of the application, the same be listed for hearing.

July 02, 2018
A.Kaundal

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No