

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-11605-2018

Date of decision: 08.03.2019

Jagbir Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. AP Singh, Advocate for
Mr. Kunal Siag, Advocate for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C., prayer has been made for quashing impugned order dated 09.03.2018 (Annexure P-2) of the trial Court, whereby evidence of the prosecution was closed by Court order.

Heard.

Having given thoughtful consideration to the rival submissions, this court is of the considered opinion that the impugned order is liable to be set aside, inasmuch as, petitioner appeared as PW-4 on 04.08.2017 and was partly examined. Thereafter, one of the accused, namely; Balwinder Verma, expired, therefore, case was adjourned for awaiting his death report. On 22.01.2018, the petitioner did not appear and, therefore, the case was adjourned for few dates and finally, on 09.03.2018, evidence of the prosecution was closed, ignoring the fact that on that date petitioner had

moved an application (Annexure P-1) to grant him exemption, as he had left for Delhi to attend cremation of his relative. Thus, it is apparent that absence of petitioner on 09.03.2018, was not intentional or deliberate, rather was due to the aforesaid exigency. The trial Court has taken a very harsh step of closing the evidence of the prosecution, ignoring the fact that prosecution had already examined 14 witness and only 6 witnesses are left to be examined.

In view of the discussion made above, the instant petition is allowed and impugned order dated 09.03.2018 (Annexure P-2) is set aside. Trial Court is directed to afford one opportunity to the prosecution to conclude its entire evidence.

March 08, 2019

rishu

**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No