

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

**CRM-M-21652-2018
Date of Decision 19.09.2019**

Renu Sharma

...Petitioner

Versus

State of Haryana and others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sajjan Singh, Advocate for the petitioner.
Mr. Anmol Malik, AAG, Haryana.

ANIL KSHETARPAL, J.

Challenge is to the order passed by the Magistrate declining the request of prosecution to examine the following witnesses:-

- (i) Clerk Hans Raj,
- (ii) Padam Singh, Assistant
- (iii) ASI Ramesh
- (iv) HC Jagdish
- (v) ASI Sewa Ram
- (vi) ASI Sushil
- (vii) Jaidev Ahuja, Criminal Ahlamd

Learned counsel for the petitioner submits that the names of above-said witnesses were mentioned in the list of witnesses submitted by the police, while submitting final report under Section 173 of the Code of Criminal Procedure. He further submits that all these witnesses are official witnesses and therefore, the court should have taken appropriate steps for securing their presence. He also submits that examination of these witnesses along with record is necessary to prove the case of the prosecution. The accused have been served but no one is appearing on their behalf.

Learned counsel for the State submits that he has no objection to the prayer made.

Keeping in view the facts of the case, let the Magistrate grant an opportunity to the prosecution to examine the witnesses referred to

above. It shall be duty of the prosecution to ensure presence of these witnesses.

With these observations, the impugned orders (Annexures P-2 and P-3) are set aside. The learned Judicial Magistrate is requested to permit the prosecution to examine the witnesses named above.

Disposed of.

19.09.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No