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CRM-M-29274-2017 (O&M)

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

CRM-M-29274-2017 (O&M)

Date of Decision:-18.01.2019

Jiwan Singh Virk and another

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rujhan Dhawan, Advocate
for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab.

Mr. A.D.S. Jattana, Advocate
for respondent No.2.

GURVINDER SINGH GILL, J. (Oral)

1. In view of joint request made by learned counsel for the parties, the main case, which is fixed for 31.01.2019 is preponed and is taken on board today.
2. The petitioner has approached this Court challenging order dated 19.07.2017 (Annexure P-3) whereby the trial Trial Court has closed the evidence of prosecution by order.

3. Today at the very outset, learned counsel representing respondent No.2 Amarjit Singh, accused has submitted that the same very impugned order dated 19.07.2017 has been assailed by the State by way of revision petition in the Court of learned Sessions Judge, SAS Mohali which is still pending and that he would have no objection for acceptance of the said revision petition.
4. Although I find that the trial is proceeding against as many as against 6 accused and only one of them i.e. respondent No.2-Amarjit Singh has been impleaded as party before this Court, but Sh. A.D.S. Jatana, Advocate representing respondent No.2 has submitted that he has been representing all the accused in other cases before Court of Sessions and he has instructions from all of them to express “No Objection” for acceptance of the revision petition pending in the Court of Sessions, SAS Nagar, Mohali challenging order dated 19.07.2017.
5. In view of the aforestated submission made on behalf of learned counsel for respondent No.2 for the accused, this petition is disposed of as the relief sought by the petitioner can very well be given to him before the revisional Court where revision petition is pending against same very order. The revisional Court shall dispose of revision petition in view of the statement made by learned counsel for the accused before this Court and shall grant one effective opportunity for recording remaining evidence of the prosecution.
6. The trial Court shall however take necessary steps for ensuring that the remaining evidence of the prosecution is recorded expeditiously since the

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same is to be recorded through video conferencing and several formalities would be required to be completed for arranging for the same.

7. The petition stands disposed of with aforesaid directions.

**(GURVINDER SINGH GILL)
JUDGE**

18.01.2019
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No