

Sr. No.208

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

CRM-M-34184-2018(O&M)

Date of decision:07.01.2019

Poonam Rajan and another

.....Petitioners

versus

State of Punjab and others

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Nikhil Kumar, Advocate
for the petitioners.

Mr. Rajat Bansal, AAG, Punjab.

Rajbir Sehrawat, J(Oral)

Present petition has been filed seeking issuance of direction to conduct a free and fair enquiry by any independent agency in FIR No.151, dated 05.05.2018 registered under Sections 406,420,120-B IPC and Section 24 of Emigration Act at Police Station Zirakpur, District SAS Nagar, Punjab.

Learned State counsel has pointed out that the challan has already been filed in this case and the charge has also been framed. Even some of the prosecution witnesses have been examined.

Although learned counsel for the petitioners has not disputed these facts, however, it is pointed out that only 02 witnesses have been examined and cross-examined. It is further submitted that 05 other prosecution witnesses have only been examined in examination-in-chief and have not been produced for cross-examination just as an attempt to delay the trial. It is further contended that due to piece-meal examination, the defence of the petitioners is also being prejudiced. Therefore, it is prayed that all the

05 witnesses who have been examined in examination-in-chief, be produced for cross-examination on one date only. Still further it is submitted that the prosecution be also directed to examine their witnesses expeditiously.

Having heard the learned counsel for the parties and perusing the record, this Court is of the considered opinion that it would not be appropriate at this stage to order any further investigation in the case by this Court. However, the grievance of the petitioners regarding prosecution prolonging trial and regarding piece-meal examination is found to have merits.

Accordingly, it is directed that the 05 prosecution witnesses, namely, Lovleesh Garg(PW-1), Meenakshi Garg(PW-2), Druv Garg(PW-3), Harsh Garg(PW-4) and Hem Raj(PW-5) shall be produced before the Trial Court for cross-examination on the next date of hearing. Cross-examination of all these 05 witnesses shall be concluded on the next date of hearing itself.

It is further clarified that if any witness, out of these 05 witnesses is not produced on the next date of hearing, then the Trial Court shall issue Non-Bailable Warrants against such witnesses and ensure that such a witness is taken into custody forthwith. After arrest, such witness/es shall be kept into protective custody and he/they shall be kept in jail till his/their cross-examination is complete.

It is further directed that prosecution shall produce the remaining witnesses also within a period of next 04 months and the entire evidence of the prosecution shall be completed within this duration.

Present petition is disposed of with above said directions.

7th January, 2019

Shivani Kaushik

[RAJBIR SEHRAWAT]

JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*