

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

CRM-M-44830-2018  
Date of Decision:-4.4.2019

Iqbal Singh

... Petitioner

Versus

Mehal Singh and others

... Respondents

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**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

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Present:- Mr. L.S. Sidhu, Advocate  
for the petitioner.

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**GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner has approached this Court assailing order dated 28.9.2018 passed by learned Judicial Magistrate Ist Class, Ferozepur whereby his pre-charge evidence has been closed by order.
2. Pursuant to issuance of notice of motion by this Court on 12.10.2018, summons were issued for effecting service upon respondents. While respondent Nos. 6 and 7 were served, respondents No.1 to 5 refused to accept their summons and consequently notices were affixed on the walls of the premises, the addresses of which have been mentioned in the memo of the parties.

3. Refusal is good service and since the respondents have not chosen to appear despite service, this Court deems appropriate to proceed with the matter.
4. The petitioner-Iqbal Singh had filed a complaint under Sections 419, 420, 465, 466, 467, 468, 471, 120-B of the Indian Penal Code, Police Station Kulgari wherein the accused were summoned. Upon appearance of the accused, the matter was fixed for recording pre-charge evidence. One of the witnesses sought to be examined by the complainant was Dr. Bhupinder Pal Singh Randhawa, who was earlier posted at ESI Hospital, Jalandhar. However, service of the summons could not be effected and it was reported that he has since been transferred from previous place of posting. The learned trial Court vide impugned order 28.9.2018 while observing that the complainant had availed numerous opportunities to lead his evidence, ordered for closure of the pre-charge evidence of the complainant.
5. The learned counsel for the petitioner has submitted that the petitioner is an old man, aged 79 years and is unable to pursue his case inasmuch as he is unable to find the current place of posting of the concerned Doctor and that in fact it was incumbent upon serving officials to have inquired from the ESI Hospital with regard to current place of posting of Dr. Bhupinder Pal Singh Randhawa.
6. The learned counsel has further submitted that the petitioner has now come to know that the aforesaid Dr. Bhupinder Pal Singh Randhawa is presently posted in Primary Health Centre, Jalandhar

and that he may be afforded one more opportunity to examine the aforesaid Doctor and also MHC, Police Station Maksudan who also remained unserved earlier.

7. Having heard learned counsel for the petitioner and bearing in mind the fact that the petitioner is an old man aged 79 years, it can certainly not be expected from him to know about the current place of posting of official witnesses in case they are transferred during pendency of trial.
8. In view of the aforesaid discussion, the petition is accepted and the impugned order inasmuch as the same pertains to closing of pre-charge evidence by order is set aside. Reasonable opportunity be afforded to the petitioner so as to enable him to examine Dr. Bhupinder Pal Singh Randhawa and also MHC, Police Station Maksudan.
8. The petition stands accepted in the above mentioned terms.

**( GURVINDER SINGH GILL )**  
**JUDGE**

4.4.2019  
Gaurav Sorot

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| Whether reasoned / speaking? | Yes / No |
| Whether reportable?          | Yes / No |