

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CRR-1668-2018 (O&M)

Date of Decision:25.03.2019

Annu

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Sanjay Vashisth, Advocate,
for the petitioner.

Ms. Mahima Yashpal, A.A.G., Haryana,
for respondent No.1.

Ms. Alisha Soni, Advocate,
for respondent Nos.2 to 4.

HARI PAL VERMA, J.(Oral)

Petitioner has filed the present revision petition impugning the order dated 11.04.2018 passed by learned Additional Sessions Judge, Faridabad, whereby the prosecution evidence was closed by the court order and the case was adjourned to 16.04.2018 for recording statement of the accused under Section 313 Cr.P.C.

Learned counsel for the petitioner has argued that evidence of the Investigating Officer is very necessary in the case failing which the prosecution shall suffer an irreparable loss. He states that on 11.04.2018, Raj Bala, Sub Inspector, the Investigating Officer could not appear before the court as she had suffered hip fracture and was on bed rest. The said

witness could not attend the court for the reason beyond her control.

On the other hand, learned counsel appearing on behalf of respondent Nos.2 to 4-accused has argued that ample opportunities were granted to the prosecution to lead their evidence and since SI Raj Bala did not appear, the Court has issued bailable warrants against her. Therefore, no further opportunity is required to be granted to the petitioner.

Heard learned counsel for the parties.

Considering the fact that the defence evidence has yet not started and the proceedings in the case were stayed by this Court vide order dated 17.05.2018 and SI Raj Bala could not appear as she suffered hip fracture and was on bed rest, this Court finds that the petitioner deserves to be given one more opportunity to get the said PW examined in the case.

Without observing anything on the merits of the case, the present revision petition stands disposed of. The order dated 11.04.2018 passed by learned Additional Sessions Judge, Faridabad, is hereby set aside and the prosecution is granted one more opportunity to get the prosecution witness SI Raj Bala examined in the case.

March 25, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No