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

**CRM-M No.15372 of 2019
Date of Decision: 10.01.2020**

RAMKISHAN GUJJAR

.....Petitioner

Vs

STATE OF HARYANA AND OTHERS

....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Jitender Dhanda, Advocate
for the petitioner.

Mr. Surender Singh, A.A.G., Haryana.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioner has preferred this petition under Section 482 of the Code of Criminal Procedure for quashing the order dated 15.03.2019 passed by the Judicial Magistrate Ist Class, Faridabad vide which the prosecution evidence was closed by order of the Court.

[2]. Notice of motion was issued on 03.04.2019 and passing of final order by the trial Court was stayed. Respondents No.2 to 5 have been properly served. Order dated 22.05.2019 passed by the Co-ordinate Bench of this Court shows that despite service, respondents No.2 to 5 did not

appear. Thereafter the case was adjourned for arguments.

[3]. Learned counsel for the petitioner by making reference to para nos.8 and 9 of the petition submitted that the petitioner has been prosecuting the case diligently without any fault. The accused also filed CRM-M No.26289 of 2014 titled '*Ashok Madan vs. State of Haryana and another*' in the High Court in which the proceedings before the trial Court were stayed. The stay was ultimately vacated by the High Court only on 16.01.2017. Thereafter statement of SC Jagdish Chand was recorded on 10.12.2018. Statements of ASI Kailash Chand was recorded on 03.01.2019 and Constable Raj Kumar was recorded on 14.02.2019. The statement of DSP Mitterpal was recorded on 15.03.2019. In view of aforesaid proceedings, no latch can be attributed to the prosecution.

[4]. Learned State counsel states that the State being the prosecuting Agency has no objection in case the impugned order is set aside.

[5]. From the facts and circumstances of the case, I am of the view that one more opportunity needs to be given to the prosecution to complete prosecution evidence. There is no opposition to the prayer made by learned counsel for the petitioner.

[6]. In view of above, the prayer made in the petition is

allowed. The impugned order dated 15.03.2019 passed by the Judicial Magistrate Ist Class, Faridabad is set aside. Trial Court is directed to grant one effective opportunity to the prosecuting Agency to lead entire prosecution evidence on the date to be fixed by it in accordance with law.

January 10, 2020

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No