

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

CRM-M-32774-2017 (O&M)

Date of decision: 13.01.2020

Rattan Singh Gulia

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. I.S. Pabla, Advocate for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Mr. Jitender Dhanda, Advocate for the complainant.

H.S. MADAAN, J. (Oral)

During trial in case 'State of Haryana Vs. Rattan Singh Gulia', FIR No.309 dated 12.06.2009 under Sections 420, 467, 468 and 471 IPC, Police Station Jhajjar, the trial Court of Chief Judicial Magistrate, Jhajjar, vide order dated 29.01.2015 had closed the evidence of the prosecution by order. Feeling aggrieved, State of Haryana had preferred a revision petition, challenging that order before Sessions Judge, Jhajjar, who vide impugned order dated 02.08.2017 accepted the revision petition, set aside the impugned order and issued a direction to the trial Court to ensure the presence of all unexamined witnesses of the prosecution by resorting all the modes prescribed under the law for securing their presence and to dispose of the case expeditiously. The

parties were directed to appear before the trial Court on 16.08.2017.

The accused felt aggrieved by the said order and has challenged the same by filing the present petition before this Court, notice of which was given to the State as well as to the complainant, who have put in appearance.

I have heard learned counsel for the parties besides going through the record and I do not find any illegality or infirmity with the impugned order, which might have called for interference with the same by this Court while exercising jurisdiction under Section 482 Cr.P.C. The petition stands dismissed accordingly. However, because the matter is pending since long, the trial Court is directed to make earnest efforts to conclude the trial expeditiously, preferably within a period of six months from the date of receipt of copy of order there. The trial Court is to ensure that all the remaining unexamined prosecution witnesses are examined at the earliest and if need be, coercive process be issued against the witnesses, who are adamant in not putting in appearance before the Court despite service. The State is also directed to ensure that no laxity is shown in getting the service effected upon the unexamined witnesses and procuring their appearance in the Court. It is stated that next date of hearing fixed before the trial Court is 27.01.2020. The trial Court shall fix a date for examination of unexamined witnesses for that date and State will ensure the service of the PWs.

13.01.2020

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(H.S. MADAAN)

JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No