

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

**CRM-M-33937-2018
Date of decision:-12.2.2020**

Karan Singh

...Petitioner

Versus

State of Haryana

...Respondent

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

Present : Mr.Tejinder Pal Singh, Advocate
for the petitioner.

Mr.Kuldeep Sharma, DAG, Haryana.

H.S. MADAAN, J.

During trial in FIR No.166 dated 28.5.2015 for the offences under Sections 15, 25 and 27 of NDPS Act, registered with Police Station Madhuban, one of the accused Karan Singh had filed an application for summoning concerned official/Clerk from the office of S.S.P., Karnal (OASI Branch/Account Branch) as DW along with complete service record of ASI Rajinder Singh, No.456, Karnal and salary record of said police officer for the month of May, 2015 to prove that he was not a regular ASI and was working on a temporary promotion given by the SSP, Karnal, therefore was not legally competent to investigate this case.

That application was opposed by the State and vide impugned order dated 25.7.2018, the said application was dismissed by the trial Court.

Feeling aggrieved, such accused has filed the instant petition under Section 482 Cr.P.C. seeking setting aside of that order.

Notice of the petition was issued to the respondent – State, which put in appearance through counsel.

I have heard learned counsel for the parties besides going through the record.

A perusal of the record goes to show that ASI Rajinder Singh has got his statement recorded as PW7 on 20.9.2016. It has rightly been observed by the trial Court that on that date, after conducting his cross – examination to some extent, the learned defence counsel requested for calling the report roznamchas of CIA Staff, Karnal and P.S. Madhuban, therefore, his further cross-examination was deferred. On the next date, the witness was cross-examined to some extent and then defence counsel requested for deferring his cross-examination for the reason that witness had not brought the DDR register dated 14.8.2015 and 6.10.2015 of CIA Staff, Karnal as well as of P.S. Madhuban. On the adjourned date, the witness had appeared and was subjected to cross-examination. The cross-examination was concluded on 7.10.2006.

The accused could have requested for summoning of service record and salary record of the witness to confront him during his cross-examination since the cross-examination had been deferred several times at the request of the accused. The observations of the trial

Court that the accused simply want to prolong the proceedings and there was no merit in the application can certainly be not termed as wrong. Though the accused has got a right of fair trial but then he cannot be allowed to control the proceedings and move frivolous applications just to prolong the trial.

I do not find any illegality or infirmity in the impugned order, which might have called for interference by this Court while exercising jurisdiction under Section 482 Cr.P.C.

Therefore, the petition stands dismissed.

By filing the present petition, the petitioner has been able to stall the trial by one and a half years. Therefore, the trial Court is directed to conclude the trial expeditiously rejecting request for adjournment except for a justifiable reason, which if need be mentioned in the order.

12.2.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No