

CRM-M-39327-2020

Date of Decision: 16.09.2021

Pushpender Ahirwar

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Suresh Kumar Kaushik, Advocate,
for the petitioner.

Mr. Munish Sharma, A.A.G., Haryana.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

Pursuant to the order dated 15.02.2021, a report dated 25.03.2021 has been received from the learned Additional Sessions Judge, Gurugram (trial court), stating to the effect that at that stage, out of 17 prosecution witnesses 10 had already been examined, with one given up by the prosecution and therefore with 06 remaining to be examined, but with learned State counsel today submitting that as per his instructions only 05 still remain to be examined, with the next date of hearing being 23.09.2021

The petitioner is alleged to be the main accused in the commission of the crime (as per the case of the prosecution, with no comment made thereupon by this court on the merits of it); hence I would see no ground to entertain this petition, which is consequently dismissed.

However, the trial court is directed to ensure that the remaining witnesses are summoned and actually appear before that court,

failing which that court shall take necessary measures to obtain their presence even by summoning the Superintendent of Police concerned (if ; 'police witnesses' are not turning up to appear before that court).

If the trial does not conclude even within a reasonable time hereinafter despite this order, the petitioner would be at liberty to file a similar petition subsequently, which of course would be considered on its own merits at that stage.

It is again made absolutely clear that nothing observed hereinabove will be taken to be a comment on the actual merits of the case for or against the petitioner, which would be wholly gone into as per evidence led before the trial court.

September 16, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No.