

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(217)

CRM No. M-4581 of 2022

Date of Decision : 09.02.2022

Joginder Singh @ Choudhary

...Petitioner

Versus

State of Punjab

...Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Amandeep Singh Rai, Advocate for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No. 113 dated 21.07.2020, registered under Sections 302, 307, 148, 149 IPC at Police Station Dakha, District Ludhiana.

Learned counsel for the petitioner submits that though the present petition has been filed for the grant of regular bail to the petitioner but the petitioner is suffering prejudice because the complainant and other material witnesses are not coming for recording their testimonies despite various opportunities. Learned counsel for the petitioner submits that petitioner will be satisfied at this stage in case, a direction is issued to the trial Court to examine the complainant and other material witnesses as the next witnesses expeditiously.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel raises no objection to the prayer of the petitioner for examining the complainant and the other material witnesses as the next witnesses.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts stated hereinbefore, especially, when the complainant and material witnesses have not turned up despite summoned by the competent Court of Law, the trial Court is directed to proceed further in accordance with law so as to secure the presence of the witnesses and to record their testimony especially that of the complainant and the other material witnesses as the next witnesses. In case, the witnesses do not turn up, appropriate procedure as envisaged under law be applied by the trial Court so as to ensure that within a period of next four months, the evidence of the complainant and the other material witnesses is recorded.

Petition stands disposed of in above terms.

February 09, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

✓
Whether speaking/reasoned : Yes/No

✓
Whether reportable : Yes/No