

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

**CRM-M-15845-2022
Date of decision: 19.04.2022**

Som Nath Aneja

...Petitioner

Versus

Union of India and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Pranav Chamoli, Advocate
for the petitioner.

Mr. Anshuman Harit, Advocate
for respondent No. 1-UOI.

Ms. Shubhra Singh, Advocate
for respondent No. 2-CBI.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for quashing the orders dated 03.02.2022 (Annexure P-11), 06.04.2022 (Annexure P-37), 08.04.2022 (Annexure P-38) as well as order dated 11.04.2022 (Annexure P-39) passed by the trial Court in case FIR No. RCCHG2012A0029 dated 05.09.2012, registered under Section 7 of the Prevention of Corruption Act, 1988 and Section 120-B IPC at Police Station CBI, ACB, Chandigarh.

Learned senior counsel submits that the previous counsel, representing the petitioner, has expired on 04.01.2022 and thereafter, the petitioner was provided a Legal Aid Counsel on 15.03.2022, however, in the meantime, the trial Court passed the order dated 03.02.2022 closing the defence evidence after recording the statement of DW-7 and it was observed that no other witness is present.

Learned senior counsel further submits that thereafter, on 08.02.2022 and 11.04.2022, when the case was listed, the petitioner moved an application under Section 311 Cr.P.C., however, the same was dismissed. Later on, no further opportunity was granted to the petitioner to lead his further defence evidence.

Learned senior counsel has restricted his arguments to the extent that the petitioner may be granted 30 days' time to conclude his defence evidence as he does not press the instant petition with regard to quashing of order dismissing the application filed under Section 311 Cr.P.C.

In the earlier petitions bearing CRM-M Nos. 52359 of 2018 and 48382 of 2019, filed by the petitioner, the following order was passed on 10.12.2021:

“Learned senior counsel, appearing for the respondents, submits that while passing the impugned order, the trial Court has kept the matter open that the application filed by the petitioner for excluding the evidence in respect of his voice recording will be heard at the time of final arguments of the case, therefore, there is no adjudication by the trial Court.

It is further submitted that the case is now fixed for 13.12.2021 for defence evidence and arguments, therefore, the aforesaid application will be heard by the trial Court at the time of final disposal.

Considering the fact that these petitions are pending since long and in the intervening period, the trial has almost come to an end, these petitions are disposed of granting liberty to petitioner to raise all the pleas/defence, which he has taken in the present petitions, before the trial Court and the trial Court shall decide the same in terms of impugned order dated 01.11.2018.

The trial Court is directed to conclude the trial expeditiously, preferably within a period of four months from

today.”

Since the trial Court is yet to take a call for final adjudication on the application filed by the petitioner for excluding the evidence in respect of his voice recording, the prayer for allowing the application filed under Section 311 Cr.P.C. is not sustainable.

Learned counsel for the CBI submits that since a time bound direction was given, therefore, respondent-CBI has already concluded its evidence as the trial Court has afforded sufficient time to the parties to lead their respective evidence.

After hearing learned counsel for the parties, considering the fact that the earlier counsel of the petitioner has expired on 04.01.2022 and he has been provided a Legal Aid Counsel on 15.03.2022, I deem it appropriate to grant 30 days' time to the petitioner to lead his entire defence evidence.

Ordered accordingly.

The petition stands disposed of.

The Chief Judicial Magistrate-cum-Secretary, District Legal Services Authority, U.T., Chandigarh is directed to ensure that the entire record be supplied to the petitioner or his legal aid counsel within a period of 03 days from today and thereafter, the defence evidence will be concluded within a period of 30 days.

19.04.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No