

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

115

CRM-M-25881-2021
Date of decision:06.01.2022

KAPIL

...petitioner

V/S

STATE OF PUNJAB AND ANOTHER

...respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr.Kanwal Goyal, Advocate
for the petitioner

Mr.Rana Harjasdeep Singh, DAG Punjab

Mr.Rishu Mahajan, Advocate
for respondent no.2

Amol Rattan Singh, J. (Oral)

Case heard by video conferencing.

By this petition, the petitioner seeks quashing of Complaint No.30356 dated 06.01.2007, filed before the court of learned Judicial Magistrate First Class, Jalandhar, alleging therein the commission of offences punishable under Sections 323/324/325/427/506 and 120-B of the IPC (Annexure P-1).

On 23.12.2021, the following order had been passed by this Court, also reproducing therein the order earlier passed on 18.11.2021:-

“On 18.11.2021 the following order had been passed in an application filed by the petitioner seeking advancement of the date of hearing in this case :-

“Vide this application advancement of the date of hearing in the accompanying petitions is sought, which otherwise stands adjourned to 23.12.2021.

Learned counsel for the applicant/petitioner draws attention to the order of this court dated 28.07.2021, wherein it had been recorded that the complainant was not appearing before the trial court at all, across several dates of hearing.

He further submits that thereafter he appeared once after two dates of hearing, but with no witnesses on his behalf having come forward to testify so far, with the next date of hearing before the trial court being 23.11.2021.

Looking at the fact that the next date of hearing before this court is 23.12.2021, this application is disposed of with a direction to the Registry to list the accompanying petition for actual hearing on that date itself, in the urgent motion list.”

Today as per the report of the Registry, service is complete upon respondent no.2 as well as her counsel.

However, none appears for the said respondent possibly because it is well past 4:00 p.m., but learned counsel for the petitioner having produced in court copies of the various orders passed between 17.11.2021 and 14.12.2021 by the learned JMIC, Jalandhar, with no witness for the complainant/respondent no.2 having appeared before the court, though HC Gurmeet Ram had been examined on 21.12.2021.

Adjourned to 06.01.2022.

To be shown in the urgent motion list and taken up as the first case of the day.”

Today, Mr.Rishu Mahajan, Advocate, appears on behalf of respondent no.2 and submits that in fact as per his instructions, pre charge evidence stands concluded before the trial court, with the next date of hearing being 07.01.2022, i.e.tomorrow.

He undertakes that if a charge is framed against the petitioner and the matter goes to 'regular trial', the complainant as also the other witnesses would appear before the trial court as and when summoned by that court, to testify before it.

Learned counsel for the petitioner very fairly submits that in fact he is restricting his prayer presently to the trial being concluded in a time bound manner, the complaint being of the year 2007.

That being so, the petition is disposed of with a direction to the trial court to ensure that unless proceedings before the trial court come to a halt due to the ongoing pandemic for any particular period, the trial be concluded by May 31, 2022, with it also made clear that if the witnesses for the complainant do not appear to testify on more than one occasion, no more opportunity would be granted to the complainant to summon that particular witness, and if witnesses continuously do not appear, evidence of the complainant shall be closed by an appropriate order to be passed by the trial court at the appropriate stage.

(AMOL RATTAN SINGH)
JUDGE

06.01.2022

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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No