

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

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CRM-M-20699-2022
Date of Decision: 13.05.2022

Gurdev Singh Namberdar Petitioner
Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Surjit Singh Siwach, Advocate for the petitioner.
Mr. H.S. Multani, AAG, Punjab.

ANOOP CHITKARA, J. (ORAL)

Learned counsel for the petitioner submits that during the investigation, the petitioner was absolved of all criminal liabilities. However, during the trial, he has been summoned under Section 319 Cr.P.C. He further submits that he was absolved by taking of this plea of alibi which he needs to prove in the trial because the burden is on him to prove the alibi.

Given above, he needs to examine witness.

The prayer being innocuous is not opposed by the learned State counsel.

I have perused the impugned order dated 30.04.2022, the concerned Court did not keep in mind the fact that the petitioner was initially absolved in the investigation and he was summoned under Section 319 Cr.P.C.

Given above, the order passed by the trial Court is set aside. The witnesses as mentioned in Annexure P-9 (Page 41) shall be summoned and proceed with the trial. Since, these witnesses are purported to be examined by the petitioner, as such, these witnesses shall be produced on his own, whereas the summons be issued only against the remaining official witnesses.

Learned counsel for the petitioner submits that the next date before the trial Court is fixed for 17.05.2022.

There would be no need for a certified copy of this order, and any Advocate for the Petitioner and State can download this order and other relevant particulars from the official web page of this court and attest it to be a true copy. The concerned officer can also verify its authenticity and may download and use the downloaded copy for immediate use.

It is clarified that the petitioner shall not seek unnecessary adjournment and shall not try to delay the trial.

(ANOOP CHITKARA)
JUDGE

13.05.2022
Jyoti-II

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