

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

233

CRM-M-53064 of 2019
Date of Decision: 16.11.2022

Sukhdev Singh

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Aayush Gupta, Advocate for the petitioner.

Mr. Gurpreet Singh Shergill, AAG, Punjab.

Mr. Manoj Kumar, Advocate
for respondents No.2 to 4.

GURBIR SINGH, J (ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing the impugned order dated 30.10.2019 (Annexure P-8) passed by the learned Additional Chief Judicial Magistrate, Ludhiana in FIR No.267 dated 10.09.2005 under Sections 420, 467, 468, 471 and 120-B IPC, registered at Police Station Division No.5, District Ludhiana, whereby the application under Section 311 Cr.P.C. filed by the prosecution, has been dismissed.

Mr. Manoj Kumar, Advocate has put in appearance on behalf of respondents No.2 to 4 and filed the Vakalatnama, which is taken on record.

Learned counsel for respondents No.2 to 4 has stated that he has no objection if the present petition is allowed and the impugned order is set aside.

The application under Section 311 Cr.P.C. was moved by the prosecution. Sham Sunder was examined as PW-8. He had earlier on 11.10.2007 deposed in the Court of SDM, Ludhiana regarding the attestation and drafting of the disputed power of attorney as Ex.PW-5/C in the cases pertain to mutation No.25895, 25905 and 25906 and was cross-examined at length by the accused. He was called by the prosecution but Sham Sunder retracted from his earlier statement dated 11.10.2007.

Since prosecution agency want to confront the witness with his earlier statement dated 11.10.2007 recorded in the Court of SDM, Ludhiana and other party has no objection, the impugned order dated 30.10.2019 (Annexure P-8) is hereby set aside and the prosecution is allowed to recall and further examine Sham Sunder as PW-8. For the said purpose, two opportunities are granted.

In view of the observations made above, this petition is allowed.

It is made clear that if prosecution is failed to re-examine PW-8 in the said dates, then this order shall stand automatically vacated.

16.11.2022

D.Bansal

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No