

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

[145]

CRM-M-5953-2023**Date of Decision:06.02.2023**

Sultana

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Himanshu Puri, Advocate for
Mr.Sunny K.Singla, Advocate for the petitioner.

JAGMOHAN BANSAL, J. (Oral)

The petitioner, through instant petition, is seeking quashing of order dated 07.12.2022 (Annexure P-6) passed by Judicial Magistrate Ist Class, Malerkotla in FIR No.78 dated 09.09.2015, under Sections 498-A IPC, registered at Police Station City Malerkotla, District Sangrur, whereby JMIC, Malerkotla has ordered to close the evidence of prosecution witness.

Learned counsel for the petitioner, *inter alia*, contends that at the behest of the petitioner, FIR was lodged and the matter was investigated by William Jeji, the then DSP Malerkotla. The police after completing the investigation filed challan and the trial Court vide order dated 02.08.2022 closed prosecution evidence. The petitioner moved an application under Section 311 Cr.P.C. seeking recalling of examination of William Jeji. The trial Court vide order dated 24.11.2022 (Annexure P-4) allowed the application. In the said order dated 24.11.2022, it was made clear that one opportunity is granted to prosecution to examine the said witness and it would be the bounden duty of prosecution to ensure

the presence of said witness. The service upon the aforesaid witness was effected through SSP, Malerkotla, for 07.12.2022, however, on the said date, he did not turn up and trial Court by its impugned order has closed the prosecution evidence..

Learned counsel for the petitioner further submits that trial Court must have issued non-bailable or bailable warrants against the official witness whereas trial Court has closed the evidence.

Notice of motion.

On the asking of Court, Mr. Amish Sharma, AAG, Punjab accepts notice on behalf of respondent No.1-State and assures the Court that Sh. William Jeji, who is a police official of State of Punjab, would appear before the trial Court on 08.02.2023 and tender his statement.

Keeping in view the facts and circumstances of the case and statement of learned State counsel, the impugned order dated 07.12.2022 passed by Judicial Magistrate Ist Class, Malerkotla is quashed and Willian Jeji is directed to appear before the Judicial Magistrate Ist Class, Malerkotla on 08.02.2023.

Disposed of.

(JAGMOHAN BANSAL)
JUDGE

06.02.2023
Anjal

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>