

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

CRM-M No.15801 of 2023 (O&M)

Date of decision: 4th July, 2023

Harpreet Singh

... Petitioner

Versus

State of Haryana & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amit Khari, Advocate for the petitioner.

Ms. Trishanjali Sharma, Dy. Advocate General, Haryana
for the respondent/State.

Mr. Tanvir S. Attariwala, Advocate for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been preferred under Section 482 Cr.P.C. for quashing of the order dated 07.12.2021 (Annexure P-5) passed by learned Judicial Magistrate 1st Class, Karnal and order dated 28.02.2023 (Annexure P-7) passed by learned Additional District & Sessions Judge, Karnal vide which the evidence of the petitioner/accused was closed by order.

2. Learned counsel for the petitioner inter alia contends that the statement of the petitioner/accused under Section 313 Cr.P.C. was recorded on 20.02.2020 and thereafter, the case was fixed for defence evidence of the petitioner for 03.03.2020 but no DW was present on that day. Thereafter, the case was adjourned on multiple occasions however, on account of the restricted functioning of the Courts due to

the outbreak of the pandemic COVID-19, the defence evidence could not be completed. Still further, while placing reliance on the medical certificate of the petitioner (Annexure P-4), it has been submitted that he is suffering from Psychiatric Disorder for the last more than one year. Learned counsel submits that since the petitioner is not well versed with the nitty gritty of the Court proceedings, a lenient view be taken, coupled with the fact that the Hon'ble Apex Court had also been taking a lenient view and extending the period of limitation on account of the conditions subsequent to the outbreak of the pandemic. It is submitted that it was on account of genuine reasons that the petitioner was unable to conclude his defence evidence. A prayer has, therefore, been made that a compassionate view be taken and the impugned orders be set aside.

3. I have heard learned counsel for the parties and perused the material on record.

4. A perusal of the record reveals that the petitioner has indeed been negligent in pursuing the case. However, at the same time this Court is also conscious that due to the restrictions imposed subsequent to the outbreak of the pandemic COVID-19, normal life had been disrupted. In the circumstances, this Court is of the opinion that if the petitioner is not granted one more opportunity to conclude his defence evidence, he would suffer irreparable loss which in turn would result in miscarriage of justice. Therefore, for just and proper adjudication of the case, this Court deems it appropriate to grant one

last effective opportunity to the petitioner to conclude his defence evidence.

5. In the wake of the above, the impugned orders dated 07.12.2021 and 28.02.2023 are set aside and the instant petition is allowed in the following terms:-

- (i) The petitioner is granted one last effective opportunity to conclude his defence evidence.
- (ii) In the event of default by the petitioner, the case shall not be adjourned any further.
- (iii) This, however, shall be subject to payment of costs in the sum of ₹ 20,000/- to be paid to the respondent/complainant which shall be a condition precedent.

(MANJARI NEHRU KAUL)
JUDGE

July 4, 2023
rps

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