

CRR No.997 of 2022 (O&M)

Date of Decision: January 24, 2023

Sandeep Jogi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Vishal Garg Narwana, Advocate, Mr. Karamveer Saini, Advocate, Mr. Sagar Sharma, Advocate and Mr. Eashan Bhardwaj, Advocate for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

Mr. Pawan Kumar Hooda, Advocate for the complainant.

DEEPAK GUPTA, J.(Oral)

Petitioner is facing trial before the learned Additional Sessions Judge, Jind in a case arising out of FIR No.461 dated 16.05.2017 registered under Sections 148, 149 and 302 IPC besides Section 25 of the Arms Act. The case has reached at the stage of defence evidence. Petitioner moved an application to summon six witnesses in his defence. However, summoning of the witness mentioned at Sr. No.3(e) i.e. concerned Clerk of Income Tax Department along with the original record of the returns filed by Joginder (deceased) and Rajbir – complainant for the financial year 2016-2017, 2017-2018 and 2018-2019 has been declined by the trial Court vide impugned order dated 16.04.2022 which has been assailed by way of this revision.

2. It is contended by learned counsel for the petitioner that as per the prosecution allegations, deceased had given ₹5 lacs to the petitioner- accused and that by way of defence evidence, he wanted to show that deceased did not have the financial capacity to advance an amount of ₹5 lac to the petitioner.

3. Learned counsel for respondent- complainant on the other hand pointed out that statement of the accused under Section 313 Cr.P.C was recorded on 13.11.2019 but the application for summoning the defence witnesses was moved on 24.03.2022, with an intention to delay the trial.

4. Perusal of the impugned order reveals that no reasons whatsoever have been given by the learned trial Court for rejecting the request of the petitioner to summon the Clerk of the Income Tax Department. The impugned order cannot be sustained. Accordingly, the said order is set aside. The trial Court is directed to summon the witness at Sr. No.3(e) of the application (Annexure P.3) and to proceed further with the trial. It is directed that other witness mentioned at Sr. No.3(b) be also summoned in defence as requested by the petitioner- accused.

5. Request of the respondent- complainant for time bound disposal is also allowed. The trial Court is directed to summon the witnesses as indicated in above order, by fixing a prior date and conclude the trial preferably within a period of three months from the date of receipt of certified copy of this order.

6. Disposed of.

January 24, 2023

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(DEEPAK GUPTA)

JUDGE

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