

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

CRM-M-24878-2023

Date of Decision: May17, 2023

SUNIL SOOD

..... Petitioner

Versus

STATE OF HARYANA AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Gurmohan Singh Bedi, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, A.A.G., Haryana.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 482 CrPC, prayer has been made for seeking quashing of orders dated 14.03.2023 and 01.05.2023 whereby the evidence of the petitioner-complainant was closed by Court order followed by dismissal of his application filed under Section 311 of CrPC.

2. In the present case, alleged forgery pertains to the sale of petitioner's land at the hands of his brother in connivance with other accused nominated in FIR No.145 dated 19.08.2008 at P.S. Badshahpur, District Gurugram under Sections 406, 419, 420, 467, 468, 471 and 120-B IPC. During trial, evidence of petitioner was closed on 14.03.2023 by Court order. Thereafter, the petitioner as well as prosecution moved two separate applications under Section 311 of CrPC seeking permission to lead the remaining evidence, however, those applications were dismissed vide two separate orders dated 01.05.2023.

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3. Impugning the aforesaid orders dated 14.03.2023 and 01.05.2023, learned counsel for petitioner submits that although out of the total 27 witnesses cited by the prosecution 17 have already been examined, however, the material witness i.e. the complainant-petitioner and the report from the FSL regarding the signatures of Gaurav Malhotra on the sale deed in question who allegedly impersonated the petitioner, has not been proved on record which is material evidence and goes to the roots of the matter.

4. I have heard learned counsel for the petitioner and gone through the paper-book.

5. Though it is apparent that the prosecution as well as the petitioner were granted sufficient effective opportunities to conclude the evidence, however, considering the fact that the charges in the present case were modified twice and an application filed on behalf of the petitioner seeking permission to appear as a prosecution witness through video conferencing was pending before the trial Court and the impugned orders were passed without adjudicating upon the said prayer made by the petitioner, I deem it appropriate to grant two effective opportunities to the prosecution/petitioner so as to conclude its entire evidence at its own risk and responsibility. The aforesaid order is being passed in the interest of justice. The petitioner/prosecution is given a chance to conclude its evidence for one more reason, as out of total of 27 cited witnesses, 17 have already been examined and this is not a case where the prosecution has not made sincere effort to lead its evidence, besides it, the examination of complainant-petitioner as well

as the report of FSL, pertaining to the signatures of Gaurav Malhotra, the person who allegedly impersonated the complainant-petitioner on the sale deed in question goes to the roots of the matter and would rather help the trial Court to adjudicate the trial in an effective manner.

6. In view of the above discussion, the present petition is being disposed of without issuance of notice to private respondents as it would delay the trial causing inconvenience and extension of their agony, however, in order to balance the equities the aforesaid order shall be subject to payment of cost of Rs.100000/- to be paid to the private respondents as a condition precedent.

7. Disposed of in the aforesaid terms.

17.05.2023

Tejwinder

(HARKESH MANUJA)
JUDGE

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