

**124 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH****CRM-M-29933-2023****Date of Decision: June 07, 2023****INDUS TOWERS LTD (FORMERLY KNOWN AS BHARTI INFRATEL  
LTD.****...Petitioner****Versus****SUNIL BHANDARI AND ORS.****...Respondents****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL****Present:-** Mr. Gautam Dutt, Advocate  
for the petitioner.

Mr. G.S. Chinna, A.A.G. Haryana.

**SANDEEP MOUDGIL, J.(Oral)**

This petition has been filed seeking quashing of the order dated 25.05.2023. It is contended that the trial Court passed the impugned order observing that the prosecution has failed to secure the presence of the witnesses and the case being more than 10 years old, no further adjournment for the same purpose was warranted and also that as per the order dated 06.12.2017 passed by the appellate Court, two effective opportunities given to the prosecution to conclude the evidence whereas more than two opportunities have been availed for the said purpose till date.

It is further the assertion of Mr. Dutt, counsel for the petitioner that the trial Court failed to appreciate that no proceedings took place between 02.02.2018 to 14.09.2022 when respondent No.1 to 4 had filed civil writ petition before this Court which was finally dismissed as withdrawn. Learned counsel for the petitioner further argued that instead of securing the presence of witnesses i.e. namely, PW Naveen Kumar Setia, Monika Duggal, Chanchal

Joginder Singh and Ct.Kripal who had been summoned, on 25.05.2023 the trial Court closed the prosecution evidence by Court order. Learned trial Court also granted exemption to the accused persons from personal appearance and witnesses present were not examined due to non-appearance of the accused in the trial Court which ought to have adopted coercive process for securing presence of the witness. Learned counsel further contended that the trial Court ignored the fact that most of the witnesses were residents of other States and service of summons to the said witnesses in a short span of 3 to 7 days was not possible.

Heard.

Be that as it may, this Court is of the considered view that allowing of the said application for serving of witnesses would only facilitate the trial to reach to a legal and justifiable conclusion, and no prejudice would be caused to either of the parties.

Accordingly, this petition is allowed with the direction that three opportunities be granted to the prosecution to conclude its evidence and for that purpose, the witnesses to be summoned, shall be served by way of dasti process only through Public Prosecutor.

However, this arrangement shall be subject to payment cost of Rs.10,000/- to be deposited Family Welfare Fund created by Punjab & Haryana High Court Bar Association.

The petition is ordered to be allowed in the aforesaid terms.

(SANDEEP MOUDGIL)  
JUDGE

June 06, 2023

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