 2023:PHHC:112850

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-33274-2023
Date of decision : 28.08.2023

Harpreet Sidhu @ Ashu ....Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. B.D. Sharma, Advocate for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

Mr. Salil Dev Singh Bali, Advocate for respondent No.2.

PANKAJ JAIN, J. (ORAL)

Challenge is to the order dated 6th of July, 2023 passed by Ld. Additional Sessions Judge, Jalandhar whereby the evidence of the prosecution stands closed in case FIR No.24 dated 10th of March, 2021 registered for the offences punishable under Section 307, 34 IPC r/w Sections 25 and 27 of the Arms Act, 1959, at Police Station Lambran, Jalandhar.

2. Vide impugned order prosecution evidence was ordered to be closed observing as under :

> "Perusal of the file further reveals that charges against the accused were framed on 11.7.2022 and since then the prosecution has availed numerous opportunities to lead its evidence. On the last date of hearing, it was made clear that this will be the last opportunity to the prosecution to lead its evidence. Today, again no PW is present either in person or through VC. In these circumstances, this court does not find any justification to further

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> adjourn the case for evidence of the prosecution. Therefore, prosecution evidence stands closed by order of this court. Statement of accused Jasvir Singh under Section 313 Cr.P.C. recorded. Now to come up on 07.07.2023 for recording the statement of accused Maninder Singh under Section 313 Cr.P.C, for which date production warrants of accused Maninder Singh be issued."

3. Counsel for the petitioner submits that the complainant had migrated abroad and thus could not appear. Now the complainant is ready to testify on any date this Court will fix. However prays that he be allowed to testify by way of video conferencing.

4. The aforesaid prayer made by counsel for the petitioner is not controverted by counsel representing the State as well as accused.

5. Resultantly, order dated 6th of July, 2023 is hereby set aside.

6. Trial Court is directed to grant one effective opportunity to the prosecution to examine the complainant namely Harpreet Sidhu @ Ashu as well as Rahul. The said witnesses shall be allowed to appear through video conferencing on 4/5th of September, 2023. In case on account of any hitch the testimony is not recorded on 4th of September, 2023, the Trial Court shall be at liberty to record the same on 5th of September, 2023.

7. The petition stands disposed off accordingly.

August 28, 2023 **(Pankaj Jain)**
Dpr **Judge**

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

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