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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15213-2024 (O&M)
Date of decision: 22.03.2024

Lovedeep Singh

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ishan Gupta, Advocate and
Ms. Palvi, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of order dated 11.03.2024 (Annexure P-6) passed by the learned Judicial Magistrate 1st Class, Sangrur in Kalandra/report No.33 dated 29.05.2020 under Section 182 Cr.P.C., registered at Police Station City Sangrur, whereby the prosecution evidence has been closed by Court order.
2. Learned counsel for the petitioner, *inter alia*, contends that vide impugned order, evidence of the prosecution has been closed, which cannot be suffocated. The learned trial Court has not resorted to any other means to secure presence of the official witnesses. He has referred to various interlocutory orders passed by the concerned jurisdictional Magistrate and

submits that only last opportunity was granted to the prosecution to conclude the evidence at their own responsibility, however, neither anyailable or non-ailable warrants were issued to secure presence of the witnesses, therefore, it will cause great prejudice to the prosecution.

3. Notice of motion.

4. On asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab accepts notice on behalf of respondent No.1-State and supports the order passed by the learned trial Court.

5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance and with the consent of parties, the matter is taken up for final disposal.

6. After perusal of the case file, this Court finds that the trial Court is well equipped to secure presence of the witnesses and without invoking the alternative methods, the prosecution evidence has been closed by Court order. The principles of natural justice are integral part of fair trial under Article 21 of the Constitution of India and any denial of the best available evidence or effective and substantial hearing to the parties in proving their case, would amount to denial of free and fair trial.

7. In view of the aforesaid facts and circumstances, the present petition is allowed and the impugned order dated 11.03.2024 (Annexure P-6) is hereby set aside and the learned trial Court is directed to secure presence of the official witnesses and provide sufficient opportunity to the prosecution to conclude its evidence. No prejudice would be caused to the private

respondents, if an opportunity is granted to the prosecution to lead the evidence as the defence would have the opportunity to cross-examine the witnesses.

8. Disposed of in the aforesaid terms.

22.03.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

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