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

**CRM-M- 16500-2024 (O&M)
DECIDED ON: April 04, 2024**

AVTAR SINGH AND OTHERS

.....PETITIONERS

VERSUS

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Harsh Mehla, Advocate
for the petitioner.

Mr. B. S. Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J. (ORAL)

Learned counsel for the petitioner has invoked the jurisdiction of this Court under Section 482 Cr.P.C. for setting aside the order dated 22.03.2024 passed by the JMIC, Yamuna Nagar to the extent that the further examination of respondent No. 2 has been permitted by the JMIC beyond the period fixed by the Hon'ble Supreme Court for his further examination.

Learned counsel for the petitioner has urged that the Hon'ble Supreme Court vide order dated 29.08.2023 (Annexure- P2) directed the trial Court to conclude the trial within a period of nine months from the date of receipt of copy of that judgment and apart from that he filed an

application under Section 311 Cr.P.C. for recalling of the complainant for further examination to be completed within six weeks from that date.

It is a positive case of the petitioner that period of six weeks lapsed way back in the month of October, 2023 itself but till date the examination of the complainant has not been concluded and the matter is being adjourned for one or the other reasons which is not attributable to the petitioner at all.

Be that as it may, the period of nine months still has not been completed and the recalling of the complainant for further examination in the witness box at this stage is necessary as though the period of nine months is coming to an end on 29.05.2024.

Impugned order dated 22.03.2024 is prima-facie and apparently in violation of the directions passed by the Apex Court vide order dated 29.08.2023 (Annexure P-2), where the trial Court ought to have considered the aforesaid fact and restrictions passed by the Apex Court in its order for recalling and examination of the witnesses within a period of six weeks from 29.08.2023 and was expected to restrain/refrain from passing the instant order.

However, the petitioner is at liberty to approach the Hon'ble Supreme Court by showing any violation of the orders dated 29.08.2023, if any and at the same time, the trial Court is directed to conclude the examination of the witnesses which are being recalled wherein the date is fixed for 04.05.2024.

That shall remain subject to the extension of time of examination of witnesses if so by the Apex Court on the request of either of

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the parties or the trial.

Disposed of accordingly.

April 04, 2024

Seema

(SANDEEP MOUDGIL)
JUDGE

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