



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

159

CRM-M-62237-2024

Date of decision: 11th December, 2024

Harjeet Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rahul Garg, Advocate for the petitioner.
Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The instant petition has been filed by the petitioner seeking quashing of order dated 26.09.2024 passed by learned Judicial Magistrate Ist Class, Nabha in case arising out of FIR No. 87 dated 23.09.2018 registered under Sections 279, 337 and 427 of IPC, 1860 at Police Station Bhadson, District Patiala, whereby the prosecution evidence was closed by the Court order, as well as order dated 27.11.2024, whereby an application moved by him under Section 311 of Cr.P.C. was only partly allowed.

2. It is submitted that the evidence of the prosecution was closed by order of the Court on 26.09.2024 without examining several material witnesses. The petitioner then moved application under Section 348 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') (which is *pari materia* with Section 311 of Cr.P.C.) for summoning and examining the witnesses whose names were mentioned at Sr. No. 5, 6, 13, 16, 17, 18 and 20



in the list of witnesses annexed with the challan report. The said application had been partly allowed and only one opportunity was given to the prosecution to examine the witnesses mentioned at Sr. No. 17, 18 and 20 in the list of witnesses. Copies of the orders passed by the learned trial Court have been placed on record which show that effective opportunities had been availed by the prosecution for concluding its evidence and it was only after granting several opportunities including last opportunities that the learned trial Magistrate was constrained to close the evidence of the prosecution by order of the Court. Learned counsel for the petitioner has not been able to point any infirmity or illegality in the order dated 26.09.2024, therefore, in my considered opinion prayer made by the petitioner to that extent does not deserve to be allowed.

3. So far as the order dated 27.11.2024 is concerned, by that order, learned trial Court had allowed the prayer of the petitioner to examine three witnesses mentioned at Sr. No. 17, 18 and 20 by granting one opportunity. At this stage, learned counsel for the petitioner has submitted that he would be satisfied, if some more opportunities be granted to conclude the examination of these three witnesses, if it is not concluded on one date of hearing because they may or may not appear on that date. As this request appears to be genuine, therefore, the petition is disposed of by giving a direction to the learned trial Court to ensure that the witnesses mentioned at Sr. No. 17, 18 and 20 whose examination was allowed by it are examined and for that purpose at least two more opportunities can be availed by the prosecution.



- 4. A copy of this order be sent to the concerned Court.
- 5. Disposed of accordingly.

[MANISHA BATRA]
JUDGE

11th December, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |