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

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CRM-M-13692-2025 (O&M)

Date of Decision: 10.03.2025

Yogesh Suri

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:** Mr. Omkar Chauhan, Advocate for the petitioner.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), for setting aside the impugned order dated 05.03.2025 (P-8) passed by learned Additional Sessions Judge, Jagadhri whereby after recording of statements under Section 313 of Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') (Section 351 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), learned trial Court fixed the matter for hearing arguments, without affording any opportunity to the petitioner/accused to lead evidence in his defence; and order dated 07.03.2025 (P-11), whereby an application filed by petitioner/accused for adducing evidence in his defence, was dismissed in FIR No.352 dated 28.06.2018, registered under Sections 120-B, 201, 364, 302 read with Section 34 of Indian Penal Code, 1860 (for short, 'IPC'), at Police Station City Yamuna Nagar, District Yamuna Nagar.

2. Contends that petitioner has not been allowed to lead evidence

in defence and the same has caused grave miscarriage of justice while taking



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away valuable right to prove his innocence. Further contends that it is the prosecution which is delaying the trial, but accused are being penalised for the same.

3. Notice of motion.

4. Mr. Kiran Pal Singh, learned AAG, Haryana accepts notice on behalf of respondent-State and Mr. Pawandeep Singh, Advocate accepts notice on behalf of *de facto* complainant and has filed his memorandum of appearance.

5. Learned State counsel as well as learned counsel for the *de facto* complainant opposed the prayer on the ground that Hon'ble the Supreme Court while dealing with the SLP(Crl.)-1070-2025, passed an order to the effect that learned trial Court shall record the statement of accused under Section 313 of Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') preferably on 03.03.2025 or within the week going on and to hear the parties for final arguments.

6. Heard learned counsel for the parties and perused the paper-book.

7. Before proceeding further, it is relevant to recapitulate the operative part of order dated 03.03.2025 passed by Hon'ble the Supreme Court in SLP (Crl.)-1070-2025:-

"We are informed by Mr. M.M.Singh Bedi, learned Senior counsel for the complainant that the trial is ripe for final hearing as the matter is listed today for recording Section 313 Cr.P.C. Statement of the accused.

The trial Court is directed to record the Section 313 Cr.P.C. Statement, preferably today, and in any case, not later than this week and immediately start hearing the arguments.

Post the matter on 17.03.2025.



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The status of the on-going trial shall be apprised on the date fixed.”

8. Bare perusal of the above extract reveals that Hon'ble the Supreme Court directed learned trial Court to record statement of accused under Section 313 Cr.P.C preferably on the date of order i.e. 03.03.2025 and in any case not later than the week going on and thereafter immediately start hearing the arguments.

9. Also transpires that while dismissing the bail petition of co-accused, namely, Gladwin @ Shanty vide order dated 04.12.2024 passed in CRM-M-52948-2024, it was pointed out by learned State counsel that it is the defence side which is time and again asking for adjournments before learned trial Court and not the prosecution.

10. Even today, during the course of hearing, when this Court specifically asked learned counsel for petitioner as to whether petitioner/accused are ready to conclude the defence evidence in one day, at their own responsibility, learned counsel, on instructions answered in negative on the premise that there is an official witness and he is to be summoned by the trial Court.

In such a scenario, it seems that petitioner wants to prolong the matter on one pretext or the other, which cannot be countenanced.

11. In view of the above, this Court is not inclined to interfere with the impugned orders dated 05.03.2025 and 07.03.2025 passed by learned Additional Sessions Judge, Yamuna Nagar at Jagadhri.

12. Consequently, there is no option, except to dismiss the petition with the observation that learned trial Court shall proceed in the matter as per the order dated 03.03.2025 passed by Hon'ble the Supreme Court.



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14. The above observations be not construed as an expression of opinion on merits of the pending trial in any manner.

Pending application(s), if any, shall also stand disposed off.

10.03.2025	(MAHABIR SINGH SINDHU)
Harish Kumar	JUDGE

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