

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

CRM-M-10785-2023

Date of Decision:10.04.2026

Sukhdev Singh and Ors.

...Petitioners

Vs.

State of Haryana and Anr.

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. D.S Matya, Advocate
for the petitioner.

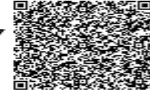
Mr. Rajinder Kumar Banku, Sr.DAG, Haryana.

Mr. Vaibhav Parashar, Advocate
for the respondent No.2.

N.S.Shekhawat J. (Oral)

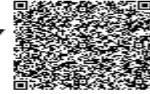
1. The petitioners have filed the present petition under Section 482 Cr.P.C with a prayer to quash the impugned order dated 10.02.2023 (Annexure P-7), passed by the Court of Additional Sessions Judge, Faridabad, whereby, the defence evidence was closed by Court order in a case arising out of FIR No.355, dated 06.12.2014 under Sections 148, 149, 307, 325, 452, 506, 341, 427 and 323 of IPC, registered at Police Station Sadar Ballabgarh, District Faridabad.

2. Learned counsel for the petitioners has vehemently argued that the FIR No.355 dated 06.12.2014, under Sections 148,149,323,341 and 452 of IPC, was registered at Police Station Ballabhgarh Sadar, District Faridabad at the instance of respondent No.2 against 11 persons. (Annexure P-1). During investigation, the petitioners as well as Surender, Ashok and Jeetu were found



innocent and final report under Section 173 Cr.P.C (Annexure P-2) was submitted against six accused namely Ved Parkash, Sushil, Rohtash, Shrichand, Jai Parkash and Chakarpal. During trial an application was moved by the prosecution under Section 311 Cr.P.C and while allowing the said application, the Trial Court examined two additional prosecution witnesses namely Kishan Sarup and a clerk from Sarvodya Hospital. Thereafter, an application was moved under Section 319 Cr.P.C by the prosecution and the petitioners along with two more accused were also ordered to be summoned to face trial under Section 319 Cr.P.C vide the order dated 18.03.2016 (Annexure P-4). Thereafter, another application was moved under Section 311 Cr.P.C by the prosecution, which was allowed on 21.03.2022 and two more witnesses namely Dr. Kshitij Pandit and Dr. Sanjeev were summoned to get their statements recorded. Learned counsel further submits that from 18.08.2015 to 25.05.2022, the prosecution availed 150 opportunities to led the prosecution evidence, which is apparent from the zimni orders (Annexure P-5) passed by the Trial Court. Thereafter, an application (Annexure P-6) was moved by the defence counsel to examine Preet Pal, D.S.P, Crime Branch, Gurugram, A.C.P, Ravinder Tomar P.S Sadar, Ballabgarh at present S.P Crime Branch, Panchkula, Prithi master son of Nathi, Budh Ram son of Radhey Shyam, Principal/concerned person, Advance College Bamni Khera, District Palwal, Kishan Singh Sarpanch and Babu Lal.

3. Learned counsel further submits that out of seven witnesses, four witnesses i.e. Prithi master son of Nathi, Budh Ram son of Radhey Shyam, Kishan Singh Sarpanch and Babu Lal were examined. However, defence could not examine the following three witnesses as the impugned order was



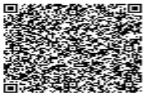
passed by the Trial Court;(i) Preet Pal DSP Crime Branch, Gurugram (ii) A.C.P Ravinder Tomar, P.S Sadar, Ballabgarh at present S.P Crime Branch, Panchkula and (iii) Principal/concerned person, Advance College Bamni Khera, District Palwal.

4. Learned counsel further submits that the Trial Court wrongly closed the defence evidence in the present case. He further submits that from 18.08.2015 to 25.05.2022, the prosecution was granted 150 opportunities, whereas, the defence witness commenced on 05.12.2022 and only 09 opportunities were granted to the defence to lead their evidence. Still further, the remaining witnesses were very vital to prove the innocence of the petitioners and to demolish the case of the prosecution. Even, the petitioners may be granted a reasonable opportunity to examine the remaining three official witnesses, so that the petitioners may prove their defence in the present case.

5. On the other hand, learned State counsel as well as learned counsel for the respondent No.2 have vehemently opposed the submissions made by learned counsel for the petitioners on the ground that they had already delayed the trial unreasonably. Even, the petitioners have already examined four witnesses and despite availing nine opportunities, three witnesses were not produced before the Trial Court and the petition deserves to be dismissed by this Court.

6. I have heard the learned counsel for the parties and with their able assistance, I have gone through the record carefully.

7. In the present case, from the record, it is apparent that the prosecution was granted 150 opportunities to lead its evidence, whereas, on the other side, the defence was only granted 09 opportunities to lead evidence and



on these dates, four defence witnesses were examined by the accused in the present case. However, he could not produce three witnesses as they were the official witnesses and in case, there were not appearing before the trial Court, the Trial Court, instead of closing the defence evidence, should have issued coercive process against the three witnesses. Still further, even in the considered opinion of the Court, in a criminal trial, the prosecution as well as the accused should be granted equal and fair opportunity to lead their respective evidences. Even, the accused is also entitled to lead evidence to prove his innocence before the Trial Court. Thus, the impugned order is legally unsustainable.

8. As a sequence of above discussion, the present petition is allowed and the impugned order dated 10.02.2023 (Annexure P-7), passed by the Court of Additional Sessions Judge, Faridabad is set aside.

9. The Trial Court is directed to ensure the presence of three following witnesses (i) Preet Pal, D.S.P Crime Branch, Gurugram (ii) A.C.P Ravinder Tomar, P.S Sadar, Ballabgarh at present S.P Crime Branch, Panchkula and (iii) Principal/concerned person, Advance College Bamni Khera, District Palwal during the course of trial and their statements must be recorded at the earliest. In case, the aforesaid three witnesses failed to appear before the Trial Court, the Trial Court would be at liberty to issue coercive process against these three witnesses.

10. Since, the FIR was registered on 06.12.2014, the Trial Court is also directed to expedite the trial and to conclude the same within a period of one year from the date of passing of this order.

10.04.2026
hitesh

(N.S.SHEKHAWAT)
JUDGE

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