

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

**CRM-M No. 22870 of 2015 (O&M)
Date of decision: 16.07.2015.**

Harbhajan Singh

..... Petitioner.

Versus

Gurbaksh Singh

..... Respondent.

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present:- Mr. Sapan Dhir, Advocate, for the petitioner.

NAVITA SINGH, J. (ORAL)

It is submitted that the next date fixed before the trial Court for defence evidence is 18.07.2015 and the documents sought to be produced in defence evidence, regarding which an application under Section 311 of the Code of Criminal Procedure was moved, is the only evidence which remains to be led.

It is not understandable as to why an application under Section 311 of the Code of Criminal Procedure was moved because the matter was at the stage of defence evidence and the accused could have simply moved an application before the trial Court for permitting him to summon the witnesses from the department.

It is felt that since the evidence of the petitioner has yet not concluded, the trial Court had erred in not granting opportunity to the petitioner to lead evidence. Rather if the evidence was closed, the petitioner could have still moved an application for additional evidence.

The petition is, therefore, allowed and the petitioner is permitted to produce the documents copies of which are Annexure P-9 and P-10 and prove the same in accordance with law before the trial Court. The petitioner will file an application before the trial Court for permission to summon the witnesses required to prove the documents and the trial Court shall pass an order on the same accordingly.

The petition is allowed in the above terms.

Copy of the order be supplied to counsel for the petitioner under the signature of Special Secretary of this Bench.

(NAVITA SINGH)
JUDGE

16.07.2015
Ramesh