

CRM-M-27423-2015 (O&M)

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

**CRM-M-27423-2015 (O&M).
Decided on: August 18, 2015.**

Ram Gopal

.. Petitioner(s)

VERSUS

State of Haryana and others

.. Respondent(s)

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

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**PRESENT Mr.Rakesh Gupta, Advocate,
for the petitioner.**

M.M.S. BEDI, J. (ORAL)

Vide order Annexure P1 dated 18.7.2014, the Sub Divisional Judicial Magistrate, Dabwali, had dismissed the application under Section 311 Cr.P.C., filed by the petitioner for summoning Raman Kumar, Sachin Goyal, Inspector Karam Singh, Inspector Ram Kumar along with specimen handwriting sheet of accused Pradeep Kumar dated 19.4.2008, ASI Rajender Kumar, Gurdayal Singh and Inspector Parveer Kumar. A revision petition filed against the order dismissing the application has also been dismissed vide order dated 1.5.2015, Annexure P2.

Counsel for the petitioner has submitted that the accused had made a confessional statement before Ram Kumar who has not been examined by the prosecution and that certain documents which are lying with the Forensic Science Laboratory had

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not been summoned to establish the case of the prosecution and that the witnesses sought to be examined in the application under Section 311 Cr.,P.C., are necessary for the just decision of the case.

I have heard the counsel for the petitioner and gone through the orders passed by the Courts below and I am of the opinion that the Courts below after appreciation of the material and the circumstances of the case have arrived at a conclusion that the witnesses sought to be summoned are not necessary for the just decision of the case.

With the assistance of counsel for the petitioner, I have also re-examined the relevance and admissibility of the evidence which is stated to be proved on the record and I am of the opinion that the witnesses sought to be produced, at this stage, are not necessary for the just decision of the case.

Without expression of any opinion regarding the admissibility, relevance and authenticity of the witnesses sought to be produced, this petition is dismissed. However, in case the petitioner feels that certain documents necessary for a fair adjudication of the trial are to be produced, benefit of Section 294 Cr.P.C., may be availed of by producing said documents.

Nothing said in this order will prejudice the rights of the parties.

(M.M.S.BEDI)
JUDGE

August 18, 2015.
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