

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M- 41067 of 2015

Date of Decision: December 11, 2015

Ram Niwas

....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. Nipun Vashist, Advocate
for the petitioner.

Mr.Arun Luthra, AAG, Haryana.

Rajan Gupta, J (Oral)

Present petition is directed against the order passed by JMIC, Rewari whereby application moved by the petitioner for summoning ASI-Rohtash Singh for the purpose of evidence has been rejected.

Counsel for the petitioner has assailed the order. According to him, evidence of the police official is necessary for just decision of the case. Thus, trial court has erred in rejecting the application under Section 311 Cr.P.C.

Prayer has been opposed by learned State counsel. According to him, order was passed by the court on 17.10.2015, whereafter trial proceeded and the case is now fixed for arguments on 15.12.2015.

I have heard learned counsel for the parties.

It appears that prosecution was given eight opportunities to examine its witnesses. It having failed to conclude, its evidence was closed on 7.6.2011. This order was challenged by the complainant-Ram Niwas before Additional Sessions Judge, Rewari. Petition was disposed of by the

said court on 7.6.2015. It allowed two opportunities for examination of witness Dr.Rupesh Yadav but rejected recalling investigating officer-Rohtash Singh for evidence. Admittedly, said order has not been challenged by the petitioner. One police official-Narinder Singh appeared before the trial court and deposed with regard to the investigation conducted. Trial is at its fag end. There appears to be no legal infirmity with the impugned order. Present petition is without any merit and is hereby dismissed.

(Rajan Gupta)
Judge

December 11, 2015
BB