

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.2858 of 2014
Date of decision:06.08.2015

Vikramjit Singh Nanda Petitioner

Versus

State of Punjab and others Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Ajay Arora, Advocate for Mr. M.S. Bajwa,
Advocate for the petitioner.

Mr. B.S. Bhullar, AAG, Punjab.

Mr. H.S. Batth, Advocate for respondents No.2 to 5,
7, 9, 13 to 15 and 17.

Mr. S.S. Behl, Advocate for respondent No.14.

Navita Singh, J. (Oral)

Adjournment is requested by proxy counsel for the petitioner.

However, the matter is not required to be adjourned as both the counsel for the respondents submit that petition may be allowed and consequently the application filed by the petitioner under Section 311 Cr.P.C may also be allowed.

The petitioner, i.e. complainant had sought to summon some witnesses and the application had been opposed by the respondents herein. The trial Court declined the request of the petitioner on the ground that power under Section 311 Cr.P.C could not be exercised for allowing any party to fill up the lacunae deliberately. In any case, the respondents, who are accused in the complaint have no objection if the application is allowed and the trial proceeds further because the proceedings before the trial Court were ordered to be stayed by this Court on 10.9.2014 and the trial is stalled since then.

The petition is allowed. Impugned order dated 23.8.2014 is reversed and the petitioner is allowed to examine the witnesses mentioned in the application under Section 311 Cr.P.C.

It is submitted by counsel for the respondents that the complaint is of the year 2005 and, therefore, the trial Court may be asked to decide the same within a particular time-frame.

It is ordered that the trial Court shall grant only two clear opportunities to the petitioner/ complainant to examine all the witnesses mentioned in his application under Section 311 Cr.P.C. Trial Court to dispose of the complaint within six months from the first date given to the complainant to produce additional evidence.

Disposed of in the above terms.

06.08.2015
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(NAVITA SINGH)
JUDGE