

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Revn. No. 4068 of 2015 (O&M)

DATE OF DECISION: 21.10.2015

Nishabar Singh @ Sabu and anotherPetitioners

Versus

State of PunjabRespondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether reporters of local newspaper may be allowed to see judgment? (Yes/No)
2. To be referred to reporters or not? (Yes/No)
3. Whether the judgment should be reported in the Digest? (Yes/No)

Present:- Mr. DS Pheruman, Advocate
for the petitioner.

DAYA CHAUDHARY, J.

The present revision petition has been filed to challenge order dated 18.9.2015 passed by Special Judge, Fatehgarh Sahib, vide which, the application filed by the accused-petitioner for summoning the defence witnesses has been dismissed.

Learned counsel for the petitioner contends that the application filed by the petitioner has wrongly been dismissed only on the ground that the name of the officer to be summoned has not been mentioned. Learned counsel further contends that summoning and examination of the defence witnesses as mentioned in the application is necessary for proper adjudication of the case as the clarification of the report is required.

Heard the arguments advanced by learned counsel for the

petitioner and have also gone through the application, impugned order as well as other documents available on the file.

A perusal of application itself shows that nowhere it is mentioned as to how the statements of persons sought to be summoned are necessary for just decision of the case. Admittedly, Head Constable Dara Singh (DW-1) had already produced the summoned record as asked for by the accused. The application has been moved by the petitioner after recording statement of the accused under Section 313 Cr.P.C. Although the mentioning of the name of the officer is not necessary and to dismiss the application on this ground is not proper but the petitioner is to make out the case as to how the persons mentioned in para 2 of the application are necessary to be examined for just decision of the case. Until and unless any specific reason is mentioned in the application, it is not for the Court to presume as to what is the purpose of the petitioner to move an application for summoning of other defence witnesses.

No ground is made out to interfere with the impugned order and the present petition being devoid of any merit is hereby dismissed.

However, the petitioner is at liberty to move an application by mentioning the specific grounds, if so desire.

October 21, 2015
pooja

(DAYA CHAUDHARY)
JUDGE