

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-11288 of 2016

Date of decision: April 04, 2016

Gulzar Singh

...Petitioner

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. J.S. Sandhu, Advocate for the petitioner.

Rajan Gupta, J.

This is a petition under Section 482 Cr.P.C. seeking quashing of order dated 16.03.2016, passed by Special Judge, Bathinda, whereby application under section 311 Cr.P.C. filed by the petitioner has been dismissed.

Learned counsel for the petitioner has assailed the order. According to him, court has erroneously dismissed the application under section 311 Cr.P.C. for summoning Sukhmander Singh as well as official witness Sawaran Singh. Thus, impugned order needs to be set-aside.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

FIR No.01 dated 04.01.2014 was registered under sections 7, 13 (2) of Prevention of Corruption Act at Police Station Vigilance Bureau, Bathinda. After completion of investigation, challan was presented before the court and accused was charge-sheeted under sections 7 and 13 (2) of the Prevention of Corruption Act, 1988. During

pendency of trial, prosecution filed an application under section 311 Cr.P.C. for summoning Sukhmander Singh and shadow witness namely, Sawaran Singh, which has been dismissed by the trial court.

I find no infirmity with the order. Initially, application under section 311 Cr.P.C. was moved for summoning Sukhmander Singh and Sawaran Singh to produce original cheque No.SB-682595 of State Bank of Patiala, Factory Road, Maur. Thereafter another application was filed for amendment of application under section 311 Cr.P.C. wherein he prayed for summoning of Branch Manager of State Bank of Patiala alongwith specimen signatures of Dev Raj pertaining to Account No.SB 55061699587 and details of said account regarding cheque books issued to Dev Raj. It is apparent that charge was framed on 29.5.2014. Out of 14 witnesses, 11 have already been examined by the prosecution and three have been given up. Shadow witness Sawaran Singh has already been examined as PW-5, whereas Sukhmander Singh has not been mentioned in the list of witnesses. Moreover, no provision is there to amend application under section 311 Cr.P.C. The trial court has, thus, rightly rejected the application. There is no ground to interfere in inherent jurisdiction of this court.

Dismissed.

(RAJAN GUPTA)
JUDGE

April 04, 2016
'Rajpal'