

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-2395-2015 (O & M)
Date of decision:17.02.2016

Hans Raj ...Petitioner(s)

Versus

Hansa and ors. ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Lokesh Sharma, Advocate,
for the petitioner(s).

Mr. Vikas Chatrath, Advocate,
for respondents No.1 and 2.

Dr. Sushil Gautam, DAG, Haryana.

Rajan Gupta, J. (oral)

Petitioner has impugned order dated 03.01.2015, Annexure P-1, passed by the trial court at Tohana, whereby an application moved by the complainant/petitioner under Section 311 Cr.P.C., has been dismissed.

Brief factual background of the case is that petitioner lodged a complaint in February, 2011, alleging that the accused in connivance with each other had issued bogus BPL list and ration cards. The trial continued for a considerable period. Instant application under Section 311 Cr.P.C. was moved on December 24, 2014, seeking to summon Welfare Officer as a witness to depose in support of the complainant. Prayer was rejected by the court below on the ground that all the witnesses cited by the complainant had been examined. It was not clear why Welfare Officer was required to depose. Eight opportunities have already been availed by the complainant to lead evidence. One official from the department

namely Chandi Ram had already appeared and deposed as PW-3. Under the circumstances, the court rejected the pleas on the ground that petitioner could not be allowed to fill up lacunae in the evidence.

I find no infirmity with the order, Annexure P-1. It is inexplicable why complainant moved the instant application at such a belated stage to examine another official from the same department. It is on record that name of this witness did not figure in the list of witnesses cited by the complainant. No such ground is forthcoming which would show that evidence of the witness now sought to be summoned is essential for just decision of the case. Thus, there is no merit in the petition.

Dismissed.

17.02.2016
sukhpreet

(RAJAN GUPTA)
JUDGE