

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM NO. M-25390 of 2016

Date of decision:- July 27, 2016

Gurmeet Kaur

...Petitioner...

versus

State of Punjab and another

...Respondents...

CORAM : HON'BLE MR. JUSTICE JASPAL SINGH

Present : Mr. Mohit Sadana, Advocate,
for the petitioner.

JASPAL SINGH, J.

Challenge in this petition preferred under Section 482 Cr.P.C. is to the order dated 16.07.2016 passed by Id. Sessions Judge, Sangrur whereby an application for additional evidence for summoning the Scientific Officer (Analyst), Central Forensic Laboratory, Chandigarh has been dismissed arising out of FIR No. 75, under Section 302 IPC, dated 22.09.2015, Police Station Cheema, District Sangrur.

2. While assailing impugned order, it has been contended by learned counsel for the petitioner that after completion of investigation in the above referred case, report under Section 173 (2) Cr.P.C. was presented in the Court, which was committed to the Court of Sessions for trial. During the pendency of trial, an application was moved under Section 311 Cr.P.C. seeking permission to adduce additional evidence i.e. to place on record

video clip as well as to examine the Scientific Officer (Analyst) vide which, accused-respondent has confessed the guilt but that application has been dismissed without any cogent reason by the ld. trial court. Since, the production of video clip and the examination of Scientific Officer is essential and is likely to clinch entire controversy and in case the aforesaid prayer is not allowed it is likely to cause prejudice to the petitioner.

3. This Court has given a deep thought to the aforesaid submissions made by learned counsel for the petitioner and has thoroughly scrutinized the impugned order but does not find any infirmity, illegality or impropriety in the impugned order. Rather, this Court is of the considered view that the same is absolutely in consonance with the legal proposition of law.

4. As such, this Court does not find any merit in the instant petition. Accordingly, it stands dismissed.

5. However, the prosecution shall be at liberty to have recourse to the remedies available under law i.e. to furnish a fresh report under Section 173 (8) Cr.P.C., if it so desires and the same shall be dealt with by the trial court without being influenced by the impugned order or the order passed by this Court.

July 27, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether reportable: ***Yes/ No***