

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

Criminal Misc. No.M-2789 of 2016

Date of Decision: 31.03.2016

Paramjit Singh

....Petitioner(s)

Versus

State of Punjab

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA**

Present: Mr. Jasraj Singh, Advocate for  
Mr. P.S. Ahluwalia, Advocate for the petitioner(s).

Mr. R.S. Nain, AAG, Punjab.

Mr. Kartikeya Ayyar, Advocate for the complainant.

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**HARI PAL VERMA, J. (ORAL)**

Prayer made in this petition filed under Section 482 Cr.P.C. is for setting aside of the impugned order dated 06.01.2016 (Annexur P-4) passed by learned Addl. Sessions Judge, Hoshiarpur in case FIR No.113, dated 16.06.2011, for offence punishable under Sections 297, 302, 307, 323, 324, 325 and 34 IPC, registered at Police Station, Tanda, Distt. Hoshiarpur (Annexure P-1), vide which the application dated 06.01.2016 (Annexure P-3) moved by the petitioner to summon the defence witnesses was dismissed.

Vide application dated 06.01.2016 (Annexure P-3), petitioner sought to summon defence witness viz: **(i)** concerned official/clerk from the office of SSP, PC Branch, Hoshiarpur along with complete record of complaint No.2053-SSP dated 23.06.2011 moved by Gurdial Singh son of Banta Singh, which was marked to DSP Tanda, who conducted inquiry on 03.09.2011 and **(ii)** Shri Ram Singh Bhandal, the then DSP Tanda along with complete inquiry report, statements of the above said FIR No.113 dated 16.06.2011 and report dated 03.09.2011.

Learned counsel for the petitioner contends that at this stage, he would be satisfied if the witness, namely, Ram Singh Bhandal, the then DSP Tanda, is allowed to be examined as a defence witness. He further submits that the said witness is a crucial witness in the present case, as this witness has conducted the inquiry and there is no *oblique motive* to examine the said witness.

Learned counsel for the complainant is very fair to submit that though the efforts are being made to delay the trial on one protect or the other, however, he has no objection if the present petition is allowed and said DSP is ordered to be examined, as a defence witness.

In view of the aforesaid peculiar facts of the case, it would be appropriate to permit the petitioner to examine the said witness, namely, Ram Singh Bhandal, the then DSP Tanda, as a defence witness.

Accordingly, present petition is allowed and impugned order dated 06.01.2016 (Annexur P-4) passed by learned Addl. Sessions Judge, Hoshiarpur, is set aside and petitioner is permitted to examine Ram Singh Bhandal, the then DSP Tanda, as a defence witness.

However, it is made clear that the petitioner shall be given only one effective opportunity to examine Ram Singh Bhandal, the then DSP Tanda.

**31.03.2016**

***Anjal***

**(HARI PAL VERMA)**  
**JUDGE**