

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

CRM-M No.32947 of 2016

Date of decision: September 19, 2016

Sandesh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Anshumaan Dalal, Advocate
for the petitioner.

JASPAL SINGH, J.(ORAL)

This is a petition under Section 482 of Code of Criminal Procedure seeking quashing of the impugned order dated 08.09.2016 passed by learned Additional Sessions Judge, Jhajjar (Annexure P-1) whereby an application under Section 311 Cr.P.C. was allowed.

The contention of learned counsel for the petitioner is that after conducting the trial for 04 years, the prosecution has moved an application under Section 311 of Cr.P.C. to summon Manjeet who was neither cited as a witness in the report under Section 173 Cr.P.C. nor his statement under Section 161 Cr.P.C. was recorded during investigation. The witnesses who were similarly situated have already been given up by the prosecution and just to fill up lacunae, an application under Section 311 Cr.P.C. was moved, that too, at the fag-end of the trial.

This Court has considered all the aforesaid submissions made by learned counsel for the petitioner but does not find any merit therein. It is not necessary that for summoning a person, he should have been cited in the list of witnesses or that his statement must have been recorded under Section 161 Cr.P.C. Trial Court after consideration of all the facts and

circumstances of the trial, has allowed the application. No doubt, the prosecution has already concluded his evidence but just for this reason prosecution is not barred from moving an application for summoning of witness as an additional evidence, which is essential to adjudicate the matter in controversy effectively. Moreover, during the course of arguments, learned counsel for the petitioner could not point out any material irregularity or illegality in the impugned order.

Dismissed.

September 19, 2016
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No