

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

CRM-M No.38519 of 2016.

Date of Decision: 23.12.2016.

Dr. Rajinderpal Singh Batra

....Petitioner.

VERSUS

State of Punjab

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Inderjeet Singh, Advocate and
Mr. Harkanwarjeet Singh, Advocate for the petitioner.

Mr. Ankur Jain, Assistant Advocate General, Punjab.

SNEH PRASHAR, J.

This petition invoking the provisions of Section 482 of the Criminal Procedure Code (for short, "Cr.P.C.") has been filed for quashing of order dated 20.07.2016 passed by learned Judicial Magistrate, Ludhiana and for allowing recalling of Dr. Harmeet Kaur (PW3) and summoning Ravinder Pal Singh Incharge, Computer Cell, Office of Commissioner of Police, Ludhiana as a witness under Section 311 Cr.P.C.

The submissions made by learned counsel representing the petitioner and learned State counsel have been considered.

It was submitted that the ownership proof of sim card of petitioner's wife i.e. Dr. Harmeet Kaur Batra as well as the text messages were verified through Ravinder Pal Singh Incharge, Computer Cell, Office of Commissioner of Police, Ludhiana. Statement of the said witness was

recorded under Section 161 Cr.P.C. during investigation, but he was not cited as witness in the list of witnesses attached to the final report of the police. Dr. Harmeet Kaur, who has already been examined, is also required to be recalled for her statement.

On the other hand, learned State counsel submits that the examination of Ravinder Pal Singh Incharge, Computer Cell is not required as he had only verified certain facts, but the said facts and documents are on record and stand proved by examining the appropriate witnesses. The status of the case and proceedings enumerated by learned trial Court in the impugned order while dismissing the application under Section 311 Cr.P.C. of the prosecution are worth consideration. It had been mentioned by learned trial Court that since 20.08.2011 i.e. the date on which the accused was charge-sheeted, the trial was pending and the prosecution had already availed numerous opportunities to adduce its evidence. Even after the evidence of the prosecution was closed by court order on 02.02.2016 i.e. after almost 4½ years, an application was filed by the prosecution for cross examination of Dr. Rajinder Pal Singh Batra (petitioner) which was allowed and the cross examination of the said witness was recorded. It was thereafter that when the case was at the stage of defence evidence that the instant fresh application under Section 311 Cr.P.C. was filed. It appears that only to prolong the trial, the applications for additional evidence are being filed one after the other.

In any case, it is submitted by learned State counsel that examination of Constable Ravinder Pal Singh is not required. As far as recalling of Dr. Harmeet Kaur is concerned, she already stands examined

Finding no illegality or perversity in the order of learned trial Court which could call for intervention by this Court, the instant petition is dismissed.

(SNEH PRASHAR)
JUDGE

23.12.2016
jitender sharma

Whether speaking/ reasoned : Yes

Whether Reportable : No