

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

**CRM-M-39354-2016
Date of decision-07.11.2016**

Sandeep

...Petitioner

Vs.

State of Haryana

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. B.S.Bedi, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

This petition under Section 482 of the Criminal Procedure Code has been filed for quashing of order dated 03.10.2016 (Annexure P-1) whereby application for summoning of defence witnesses has been dismissed and for acceptance of application for summoning of witnesses for defence dated 03.10.2016.

Learned counsel for the petitioner contends that the learned Court below erred by dismissing the application moved by the petitioner for summoning defence witnesses only on the ground that 12 defence witnesses had already examined. The witnesses sought to be examined are relevant and their evidence would have material bearing for proper adjudication of the case. All the witnesses are official and are required for production of record which would help the petitioner to prove his innocence.

Heard.

From the perusal of impugned order dated 03.10.2016, it is evident that prior to filing of the present application, learned counsel for the

petitioner had already moved two applications for summoning 19 defence witnesses. As on the date of dismissal of the application 12 defence witnesses had already been examined. Therefore, the apprehension raised by the Court to the effect that the defence counsel is trying to delay the proceedings cannot be said to be an exaggeration. Therefore, this Court feels that the application for summoning defence witnesses moved by the petitioner herein has been rightly rejected by the trial Court.

The petition stands dismissed.

(JITENDRA CHAUHAN)
JUDGE

November 07, 2016

vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No