

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M- 40569 of 2014

Date of Decision: February 09, 2016.

Deepak Sharma

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. Rahul Bhargava, Advocate
for the petitioner.

Ms.Rajni Gupta, Addl.A.G, Punjab

Mr.A.S.Manaise, Advocate
for respondent Nos. 2 & 3.

Rajan Gupta, J (Oral)

Present petition is directed against the order passed by JMIC, Batala whereby application filed by the petitioner under Section 311 Cr.P.C for summoning Avinash Rani as witness has been dismissed.

Learned counsel for the petitioner submits that deposition of said witness is necessary for arriving at a just decision. He further submits that revision filed against the order passed by JMIC was dismissed in default. Same needs to be heard on merits.

Prayer has been opposed by counsel representing respondent Nos. 2 & 3. Learned State counsel submits that entire deposition is over.

I have heard learned counsel for the parties.

It appears that FIR was lodged under Sections 452, 323, 506, 34 IPC. Pursuant to same, investigation ensued. Final report under Section 173 Cr.P.C was submitted before the competent court of

jurisdiction. During the pendency of trial, instant application was moved by the complainant seeking to summon Avinash Rani as a witness on the ground that she had witnessed the entire incident. Admittedly, her name was never mentioned in the list of witnesses. Besides, trial was segregated as one of the accused claimed to be juvenile. Complainant never sought to examine his mother as a witness before the Juvenile Justice Board. Trial found thus no ground to allow the application. I find no infirmity with the order passed by the trial court. The plea that matter should be remitted to the revisional court as it dismissed the revision for want of prosecution is without any merit. The matter has been heard by this court at length. This court has found no substance in the arguments raised. Dismissed.

(Rajan Gupta)
Judge

February 09, 2016.
BB