

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

(125)

CRM-M-44748-2016

Decided on: December 14, 2016.

Amrik Singh and others

.... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Rakesh Gupta, Advocate, for the petitioners.

M.M.S. BEDI, J (ORAL)

This is a petition under Section 482 Cr.P.C against the orders of Courts below dismissing application under Section 311 Cr.P.C filed by the petitioner for re-summoning complainant Amandeep Kaur who had been cross-examined earlier by the first counsel engaged by the petitioners.

Learned counsel for the petitioners has vehemently contended that very important and relevant questions remained to be put to injured Amandeep Kaur pertaining to the injuries which have actually been self-suffered in connivance with the doctor. He has further submitted that Dr. Jasbir Singh connived with the complainant and helped her in creation of self-suffered injuries.

I have carefully appreciated the contention of learned counsel for the petitioners and gone through the examination of Amandeep Kaur who is sought to be re-summoned under Section 311 Cr.P.C. The cross-examination of said witness runs into 6-7 pages.

Perusal of the cross-examination indicates that the counsel earlier engaged by the petitioners has tried to confront the witness by

suggesting her and have given certain suggestions to the witness to impeach her credibility. The question regarding admission of said witness in hospital on 07.11.2012, has already been asked. Suggestion has also been given to her that she has got injuries with a knife and got admitted herself in the hospital regarding injury. The petitioners have also cross-examined the other witness i.e. doctor.

The objective of application under Section 311 Cr.P.C is to enable the Court to arrive at a just conclusion and for giving a fair opportunity to the accused.

The provisions of Section 311 Cr.P.C cannot be used to file any lacuna left in the prosecution evidence. The plea on the basis of which re-summoning of prosecution witness Amandeep Kaur has been sought, is not tenable in view of the circumstance that the said witness has already been examined long time back at length as is apparent from the statement of the witness, Annexure P-6.

No ground is made out for interference in the order passed by the Courts below declining the application under Section 311 Cr.P.C.

The petition is dismissed without prejudice to the right of the petitioners to put forth the plea of defence in accordance with law by other modes.

(M.M.S. BEDI)
JUDGE

December 14, 2016
harsha

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No