

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

CRM-M-43929-2015

Date of decision: January 21, 2016

Sanjeev Kumar Jain

...Petitioner

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Atul Goyal, Advocate for the petitioner.

Rajan Gupta, J.

This is a petition under Section 482 Cr.P.C. seeking quashing of order dated 04.11.2015, passed by Judicial Magistrate 1st Class, Ludhiana, whereby application under section 311 Cr.P.C. filed by the petitioner has been dismissed.

Learned counsel for the petitioner has assailed the order. According to him, court has erroneously dismissed the application under section 311 Cr.P.C. for summoning Inspector Mandeep Singh, who had conducted enquiry. Thus, impugned order needs to be set-aside.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

FIR No.202 dated 23.08.2010 was registered under section 406 IPC at Police Station Jodhewal, District Ludhiana. After completion of investigation, challan was presented before the court and charge was framed on 04.01.2012. Thereafter, fifteen opportunities were granted to

the prosecution to examine its witnesses, but it failed conclude its evidence and same was closed by the court. Thereafter, an application under section 311 Cr.P.C. was moved for summoning Inspector Mandeep Singh, which has been dismissed by the trial court.

I find no infirmity with the order. It is apparent that trial is nearing its culmination. It appears, application under section 311 Cr.P.C. has been moved by the petitioner only to delay the trial. The trial court has, thus, rightly rejected the application. There is no ground to interfere in inherent jurisdiction of this court.

Dismissed.

(RAJAN GUPTA)
JUDGE

January 21, 2016
'Rajpal'