

121 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-5218 of 2016  
DECIDED ON: FEBRUARY 12 2016

AVTAR SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB & ORS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Gurcharan Dass, Advocate,  
for the petitioner.

\*\*\*\*\*

**JASPAL SINGH, J (ORAL)**

Instant petition has been filed under Section 482 of Code of Criminal Procedure (for brevity "Code") for quashing of order dated May 12, 2015 passed by learned Sub Divisional Judicial Magistrate, Samrala in case captioned as **State v. Harlochan Singh and others** (Annexure P-7) passed in case FIR No. 245 dated December 06, 2009 under Sections 452, 323, 324, 326, 447, 201, 148 and 149 IPC registered at Police Station Samrala, Police District Khanna, District Ludhiana.

2. Notice of motion to respondent No.1 only at this stage.
3. At the asking of Court, Mr. RPS Sidhu, AAG, Punjab accepts notice on behalf of respondent-State of Punjab. Copy of the petition be supplied to learned State counsel during the course of day.
4. The facts emerging from the petition are that an application under

Section 311 of the Code was filed for summoning Dr. Roshni who alongwith

other doctors conducted x-ray examination of the petitioner and that application was allowed vide order dated July 08, 2014. Accordingly, summons to her were issued but subsequently, it came to light that Dr. Roshni has left the services of CMC and Hospital, Ludhiana, which necessitated the filing of fresh application for summoning Dr. Subhash Singla who was also member of the team which conducted the x-ray examination of injuries appearing on the person of Avtar Singh-petitioner.

5. But to the utter surprise that application was dismissed simply on the ground that x-ray report furnished by the petitioner does not bears the signatures of Dr. Subhash Singla. In fact, a perusal of report placed on record by the petitioner (Annexure P-9) clearly reveals that x-ray examination was conducted in the presence of Dr. Roshni, Dr. Betty Mathai and Dr. Subhash Singla, Assistant Professor and the report was also made by all the afore-said three doctors. It appears that learned Magistrate did not take note of the report in a proper manner and opted to dismiss the application on the simple ground that report does not bears the signatures of Dr. Subhash Singla.

6. In view of the afore-said facts and circumstances, impugned order is not sustainable. As such the same is dismissed by way of acceptance of instant petition. Consequently, application dated April 16, 2015 (Annexure P-5) moved by the prosecution for summoning Dr. Subhash Singla stands allowed.

**FEBRUARY 12, 2016**  
**sham**

**(JASPAL SINGH)**  
**JUDGE**