

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-5803 of 2016

.....

Date of decision:17.2.2016

Nahar Singh

...Petitioner

v.

State of Punjab and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. J.S. Jaidka, Advocate for the petitioner.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 482 Cr.P.C. for quashing of order dated 14.1.2016 (Annexure-P.1) by which the application of the petitioner (complainant) under Section 311 Cr.P.C. for summoning Head Constable of P.S. P.A.U., Ludhiana, along with record of FIR No.75 dated 20.12.2012 under Section 420 IPC registered at Police Station P.A.U., Ludhiana, District Ludhiana has been dismissed. It has further been prayed for issuance of a direction to the trial Court to summon Head Constable of P.S. P.A.U., Ludhiana along with record of aforesaid FIR as a prosecution witness in the trial of case FIR No.120 dated 2.10.2012 registered under Sections 420 and 120-B IPC at Police Station Model Town, Ludhiana.

I have heard learned counsel for the petitioner and have gone

through the record.

From the record, I find that an application has been filed under Section 311 Cr.P.C. during the trial before the Judicial Magistrate Ist Class, Ludhiana, for summoning Head Constable of P.S. P.A.U., Ludhiana along with the record of FIR No.75 dated 20.12.2012 registered for the offence under Section 420 IPC at Police Station P.A.U., Ludhiana. The learned Judicial Magistrate Ist Class, Ludhiana, after going through the reply on record and after hearing APP for the State and counsel for the accused dismissed the application.

I have gone through the impugned order dated 14.1.2016. As per this order nothing has been mentioned in the application as to how this FIR, which was registered after the registration of the FIR in the present case, is relevant in the present case. Nothing has been mentioned in the application as to how this evidence, which the complainant/prosecution wants to examine, is essential for the just decision of the case. Copy of the application has also been placed on the record. I have gone through the application. Nothing has been mentioned as to how this evidence, which the prosecution wants to summon, is relevant and essential for the just decision of this case. Secondly, as per the order, the evidence of the prosecution has already been closed by order of the Court.

Keeping in view the fact that there is nothing to show on the record as to how this evidence is material and essential for the just decision of the case and also relevant in the present case, therefore, the impugned order passed by the Court below is correct as per law. No illegality has been

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committed by the learned Judicial Magistrate Ist Class, Ludhiana, while dismissing the application.

Therefore, finding no merit in this petition, the same is dismissed.

February 17, 2016.

(Inderjit Singh)
Judge

hsp