

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-7070 of 2016

.....

Date of decision:27.2.2016

Harpal Singh

.....Petitioners

v.

State of Punjab

.....Respondent

....

Coram : Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Raman Mohinder Sharma, Advocate for the petitioner.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. for setting aside the order dated 22.1.2016 (Annexure-P.5) passed by learned Sub Divisional Judicial Magistrate, Sunam, whereby the application under Section 311 Cr.P.C. for recalling of witness i.e. PW-3 Dr. Lalit Garg has been allowed, which is totally illegal and contrary to law.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that in case titled as “State Vs. Harpal Singh etc.” relating to FIR No.32 dated 20.2.2011 for the offences under Sections 452, 323 and 506 IPC registered at Police Station City Sunam, an application was filed under Section 311 Cr.P.C. by the prosecution for recalling PW-3 Dr. Lalit Garg to prove the MLR with pictorial diagram and

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bed head ticket etc. in the name of the complainant Sohail Singh, but it is stated that due to inadvertence and bona fide mistake, the report regarding nature of injuries could not be put to him. After taking the reply and after hearing learned counsel for the parties, the learned Sub Divisional Judicial Magistrate, Sunam, held that this evidence is necessary for the just decision of the case.

From the record, I find that Dr. Lalit Garg has already been examined in the Court and has deposed regarding the MLR with pictorial diagram and bed head ticket etc. relating to complainant Sohail Singh. It is necessary to know the opinion of the doctor regarding the nature of the injuries which is necessary for the just decision of the case. The findings given by the learned Sub Divisional Judicial Magistrate are correct as per law and do not require any interference from this Court. In no way, this order can be held as illegal.

Otherwise also, the present petitioner will get the opportunity to cross-examine the witness. In no way, it amounts to filling-up the lacuna.

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

February 27, 2016.

(Inderjit Singh)
Judge

hsp