

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

CRM No.M-8676 of 2016
Date of Decision: March 17, 2016

Jasbir Singh and another **Petitioners**

VS.

State of Punjab and another Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

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

1. Whether Reporters of Local Newspapers 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?

Kuldip Singh J.(Oral)

Learned counsel for the petitioners contends that an application (Annexure P-1) filed under Section 340 Cr.P.C. was forwarded by the court to the learned Illaqa Magistrate for treating it as a complaint. It is stated that previously an application was filed under Section 311 Cr.P.C., which was disposed of as not pressed vide order dated 05.01.2016 with liberty to file separate application for summoning Avtar Singh, Reader for evidence.

Later on, another application dated 13.01.2016 (Annexure P-6) was filed for summoning Sh. Raman Kumar, the then Judicial Magistrate 1st Class, Ludhiana and Avtar Singh, Reader of the said Court. The said application was allowed vide impugned order dated 27.01.2016 passed by learned Judicial Magistrate 1st Class, Ludhiana.

It is further contended that it is not mentioned as to how these are the material witnesses. It is further contended that since

they were not examined at the stage of preliminary evidence, therefore, they could not be summoned in pre-charge evidence.

It is further stated that the pre-charge evidence was closed and thereafter the present application was filed.

I have heard learned counsel for the petitioner and have also carefully gone through the case file.

It comes out that the application filed under Section 340 Cr.P.C. was forwarded by the Court to the learned Illaqa Magistrate with a covering letter. In this way, apparently, the covering letter is required to be proved. Under Section 311 Cr.P.C., the material witnesses can be summoned at any stage. Since, Reader and the Magistrate are the material witnesses to prove the covering letter and the fact of filing of the complaint.

Thus, there is no error in summoning the aforesaid witnesses, even if the pre-charge evidence was earlier closed.

Accordingly, the present petition stands dismissed.

March 17, 2016
sarita

(KULDIP SINGH)
JUDGE