

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-9711 of 2016 (O&M)

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Date of decision:18.3.2016

Pardeep Kumar alias Sonu

...Petitioner

v.

State of Punjab

...Respondent

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Mandeep S. Sachdeva, Advocate for the petitioner.

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Inderjit Singh, J.

This petition has filed under Section 482 Cr.P.C. praying for quashing the impugned order dated 18.2.2016 (Annexure-P.1) passed by learned Sessions Judge, Jalandhar, vide which the application filed by the petitioner under Section 311 Cr.P.C. for recalling of PW-3 Dr. Rajwinder Kaur, PW-4 Dr. Ashok Kumar and PW-5 Dr. Inder Pal Singh for further cross-examination in case FIR No.163 dated 1.11.2014 for the offences under Sections 302, 307 and 34 IPC registered at Police Station Division No.3, Jalandhar, has been dismissed.

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

From the record, I find that the copies of statements of PW-3

Dr. Rajwinder Kaur, PW-4 Dr. Ashok Kumar and PW-5 Dr. Inder Pal Singh, Medical Officers have been placed on record. PW-3 Dr. Rajwinder Kaur has nowhere deposed regarding the treatment given to the accused. She has deposed in the examination-in-chief only regarding giving the opinion that Ram Janam-injured was fit to give statement to the learned Judicial Magistrate. She has also produced the original admission record/bed head ticket. She also deposed regarding the opinion given on the application moved by the Investigating Officer. PW-4 Dr. Ashok Kumar deposed that he gave the medical treatment to Ram Janam and he had seen the bed head ticket of patient Ex.P.19, which is signed by him at pages No.8 and 11. He declared Ram Janam as dead on 5.11.2015 at about 8.00 a.m. PW-5 Dr. Inder Pal Singh, Medical Officer, Civil Hospital, Jalandhar, mainly deposed regarding conducting of post-mortem examination on the dead body of Ram Janam. All these doctors PWs have been cross-examined. It is no ground that now the new counsel has been engaged and the earlier counsel has not put some questions. Dr. PWs have been duly cross-examined.

At the time of arguments, learned counsel for the petitioner stated that he wants to ask the doctors the material questions that if the treatment was not given for a period of 18 hours, then what will be the effect of not giving the treatment to the patient having received burn injuries. The original treatment/bed head tickets etc. have been duly produced on record by the PWs. This fact that what is the effect if the treatment is not given for 18 hours to a patient can be proved in the defence also. There is no need for calling the doctors for this purpose to ask this

question. The order passed by the learned Sessions Judge, Jalandhar, after discussing the law is correct and as per law and does not require any interference from this Court. Whatever, the evidence or opinion, the accused wants from these doctors now can be given by any of the doctor in the defence.

Therefore, from the above, I find that, in no way, the order passed by the learned Sessions Judge, Jalandhar, can be held as illegal or against the law nor it amounts to miscarriage of justice.

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

March 18, 2016.

(Inderjit Singh)
Judge

hsp