

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRR No.1243 of 2016

Date of decision: March 31, 2016

Gurjeet Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Aman Pal, Advocate for the petitioner.

Rajan Gupta, J.

This is a revision petition filed by complainant Gurjeet Singh, against the order dated 04.02.2016, passed by Additional Sessions Judge, Sirsa, whereby application under section 311 Cr.P.C. filed by the prosecution has been partly allowed.

The order has been assailed on the ground that trial court has not appreciated the plea of the prosecution in correct perspective and the remaining accused should also have been summoned. Powers under section 311 Cr.P.C. are wide, thus, the court ought to have allowed the application to its entirety.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

FIR No.90 dated 16.07.2007 was registered under sections 148, 149, 323, 307, 506, 353, 186 IPC at Police Station Odhan, District Sirsa. After completion of investigation, challan was presented before

the court and charge was framed on 31.7.2013. Thereafter, 22 witnesses were examined by the prosecution. Sufficient opportunities were granted to the prosecution to examine its remaining witnesses, but the prosecution slept over the matter for two years and delayed the same. It filed instant application under section 311 Cr.P.C. for summoning six other witnesses. The trial court partly allowed the same and ordered to summon four out of six witnesses. Prayer for recalling Amarjit Tehsildar (PW-13) and his clerk has been declined on the ground that said Tehsildar has already been examined at length. I find no infirmity with the order. It is apparent that trial is nearing its culmination. Necessary witnesses have already been summoned by the trial court. It appears, petitioner only wants to delay the trial. There is no ground to interfere in inherent jurisdiction of this court.

Dismissed.

(RAJAN GUPTA)
JUDGE

March 31, 2016
'Rajpal'