

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

**CRR No.3988 of 2016 (O&M)
Date of Decision: November 03, 2016**

Charanjit Singh

...Petitioner

VERSUS

Central Bureau of Investigation and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Raj Kumar Bhatia, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this revision petition under Section 401 Cr.P.C. against respondent Central Bureau of Investigation and M/s Shalimar Land Projects Ltd., challenging the impugned order dated 22.08.2016 passed by learned Special Judge (CBI), Haryana.

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

From the record, I find that as per impugned order dated 22.08.2016, the application filed by present petitioner under Section 311 Cr.P.C. was dismissed. First of all, the order passed by learned trial Court is a interlocutory order and revision petition is not maintainable against the interlocutory order. Secondly, even if it is taken as a technical point, even then, the application under Section 311 Cr.P.C. has been filed by Charanjit Singh, asking for permission to appear as a witness in this case and I find that the petitioner has not been joined in the investigation as admitted by

learned counsel for the petitioner during the arguments. No statement under

Section 161 Cr.P.C. has been recorded. The FIR was registered in the year 2004 and investigated by the CBI. Now, Charanjit Singh, present petitioner has appeared before the Court for his examination under Section 311 Cr.P.C.

The perusal of the impugned order dated 22.08.2016 passed by learned Special Judge (CBI), Haryana, shows that the application has been rightly dismissed as per law. No illegality has been committed by the Court while dismissing the application under Section 311 Cr.P.C. The application has been filed after more than 12 years of the occurrence and that too, when the prosecution evidence has also been closed and case is fixed for recording the statement under Section 313 Cr.P.C.

Learned trial Court has also held that the applicant-petitioner is not an informant/complainant in this case. It is not the case of the petitioner that he ever approached the investigating agency or the Court prior to filing of the application under Section 311 Cr.P.C. Even if it is taken that the petitioner is victim of criminal acts of the accused, even then, his evidence in the present trial cannot be held as essential. He has independent right to pursue his grievance which he has not pursued for the last more than 12 years.

In view of the above discussion, I find that while passing the impugned order dated 22.08.2016 no illegality has been committed.

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

November 03, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No