

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

**CRM No.M-11871 of 2016(O&M)
Date of Decision: September 21, 2017**

Mehakpreet Sahi

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Mohit Jaggi, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner Mehakpreet Sahi has filed this petition under Section 482 Cr.P.C. against respondent State of Punjab for quashing the order dated 18.12.2015 passed by learned Addl. Sessions Judge, Ludhiana as well as order dated 09.09.2015 passed by learned Judicial Magistrate Ist Class, Ludhiana, vide which the application under Section 319 Cr.P.C. for summoning Harjit Singh as well as Baldev Kaur was dismissed.

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

The perusal of the record shows that the challan was presented under Section 299 Cr.P.C. against the husband of the petitioner Rupinderjit Singh Sahi, who was declared as Proclaimed Offender and names of other accused were put in column No.2. Learned Magistrate, dismissed the application by relying upon the law laid down by this Court in ***Davinder***

Kaur vs. State of Punjab, 2002(2) RCR (Criminal) 378, in which it is held that the proceedings under Section 299 of Cr.P.C., are though judicial proceedings, but the same cannot be construed as enquiry or trial because the statement of witness recorded under Section 299 of Cr.P.C., can only be accepted in evidence in the eventuality where the witness, whose statement has been recorded, has been subsequently found dead or whose presence cannot be procured. It has been further held that statement recorded under Section 299 of Cr.P.C. cannot be regarded as evidence as per Section 3 of the Evidence Act.

I have gone through the impugned orders passed by the Courts below. In no way, it can be held that the Courts below have committed any illegality while passing the impugned orders. The order dated 09.09.2015 passed by learned JMIC, Ludhiana and order dated 18.12.2015 passed by learned Addl. Sessions Judge, Ludhiana, are correct, as per law and do not require any interference from this Court.

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

September 21, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No