IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-26812 of 2015 (O&M)
Date of Decision: March 28, 2017

Jai Pal Singh

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Manoj Kaushik, Advocate,
for the petitioner.

Mr.Kuldeep Sharma, Deputy Advocate General, Haryana
for the respondent-State.

Mr.Kulbhushan Sharma, Advocate
for respondents No.2 to 10.

****

INDERJIT SINGH, J.

The petitioner has filed this petition under Section 482 Cr.P.C. against State of Haryana and other respondents for setting aside the order dated 31.07.2015 passed by learned Addl. Sessions Judge, Faridabad in case FIR No.364 dated 10.07.2012 under Sections 306, 201 IPC and Section 25 of the Arms Act (added later on) registered at Police Station City Ballabhgarh, District Faridabad, whereby the application under Section 311 Cr.P.C. for summoning additional witnesses was dismissed..

Notice of motion was issued. Learned State counsel as well as learned counsel for respondents No.2 to 10 appeared and contested the petition.

Vineet Gulati
2017.04.03 16:42
I attest to the accuracy and
authenticity of this document
Chandigarh

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that the application under Section 311 Cr.P.C. for summoning additional witnesses was filed by petitioner Jai Pal Singh before the trial Court. At the time of arguments, learned counsel for the petitioner did not press the application qua Rajwati.

I have gone through the application given by the present petitioner, in which it is stated as under:-

> *"It is pleaded in the application that investigating officer of this case has not conducted the investigation in a proper manner as the statements of father and mother of deceased were not recorded during investigation proceedings which were very essential in the present case to reach the right conclusion. It is prayed that they may kindly be summoned as witness."*

The perusal of this application shows that it is a vague application. Nothing has been mentioned as to how the statement of Jai Pal Singh is necessary in the present case or whether this application is for recalling Jai Pal Singh. At the time of arguments, learned counsel for the private respondents contended that Jai Pal Singh has already been examined in this case and nothing has been pointed out as to which material fact he has not disclosed.

Keeping in view the above facts and in view of the facts that Jai Pal Singh has already been examined before the Court and there is nothing in the application as to why he wants to recall himself as witness and what material facts he has not disclosed and also why he has not disclosed the material facts, I find that the application filed by the petitioner is vague and no particulars have been mentioned by the petitioner in the application as to

Vineet Gulati
2017.04.03 16:42
I attest to the accuracy and
authenticity of this document
Chandigarh

how his further examination in the Court is necessary.

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

March 28, 2017 **(INDERJIT SINGH)**
Vgulati **JUDGE**

Whether speaking/reasoned **Yes**
Whether reportable **No**

Vineet Gulati
2017.04.03 16:42
I attest to the accuracy and
authenticity of this document
Chandigarh