

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

CRM-M No. 2755 of 2017(O&M)

Date of decision: 31.1.2017

Ujagar Singh

....Petitioner

VERSUS

Beant Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Ramesh Sharma, Advocate for the petitioner.

REKHA MITTAL, J.(Oral)

The present petition directs challenge against order dated 04.01.2017 (Annexure P-3) passed by the Sub Divisional Judicial Magistrate, Sultanpur Lodhi, District Kapurthala whereby an application filed under Section 311 of the Code of Criminal Procedure, 1973 (in short 'Cr.P.C.') (Annexure P-2) for summoning Harjit Singh son of Tarlochan Singh and Bawa Singh son of Paras Ram has been dismissed.

Counsel for the petitioner has submitted that as Bawa Singh intervened for the purpose of settlement of matrimonial dispute between the complainant and her husband, he is a material witness to be examined, therefore, the prosecution should be allowed to examine Bawa Singh for the purpose of arriving at a just decision of the case. However, it has been fairly conceded that application with regard to examination of Harjit Singh has been rendered infructuous as Nirmal Singh, in whose place Harjit Singh was sought to be examined, has already been examined.

I have heard counsel for the petitioner, perused the paper-book but find no merit in the petition.

The FIR in this case was registered way back on 20.04.2010.

The criminal proceedings are pending against mother in law and father in law of the alleged victim for the past about 7 years. Admittedly, Bawa Singh has not been cited as a witness nor his statement under Section 161 Cr.P.C. has been recorded. The present application has been filed at the fag end of the trial with an intent to fill up the gaps and lacunae or delay the proceedings. In this view of the matter, I do not find any merit in contention of the petitioner to allow an opportunity to the prosecution to examine Bawa Singh as an additional witness.

Dismissed.

JANUARY 31, 2017

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no