

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-29371-2015

Date of Decision: 07.07.2017

Tejinder Singh

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:-HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Amit Kumar Saini, Advocate,
for the petitioner.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

Mr. Sahil Singh Chauhan, Advocate,
for respondents No.2 and 3.

RAJIV NARAIN RAINA, J. (Oral)

The present application in the main petition has been filed by the complainant for bringing on record a letter written by Dr. Satinder Singh and a report of Senior Medical Officer, Civil Hospital Samrala. It is the petitioner's plea that these documents have a material bearing on the case and the prosecution should have produced them at the appropriate stage when the prosecution evidence was being recorded. The learned trial Court by order dated 23.07.2015 has dismissed the application on the ground that the documents are not on the judicial file nor have been relied upon by the prosecution evidence in its final report presented under Section 173 (2) Cr.P.C. and therefore it cannot be looked into.

The complainant is before the Court assailing the interlocutory order dated 23.07.2015 by citing Section 311 Cr.P.C. Section 311 Cr.P.C confers power to summon material witness, or examine persons. The provision provides that any Court may, at any stage of any inquiry, trial or other proceedings under the Code, summon any person as a witness, or

examine any person in attendance, though not summoned as a witness, or recall and re-examine any person already examined; and the Court shall summon and examine or recall and re-examine any such person if his evidence appears to it to be essential to the just decision of the case.

The powers are very wide and conferred only for the discovery of truth and truth must triumph and, therefore, in my considered view the impugned order is not sustainable in law or fact and deserves to be set aside as it has the propensity to obstruct the cause of justice. The value of the documents sought to be produced ought to be considered by the trial court. It should not shut its mind to it. It should take it on file and then opine on its effect. The trial Court would now given an opportunity to the complainant to produce the documents and would call the SMO, Dr. Satinder Singh to face examination in the witness box and/or other witnesses, that may in its considered view promote the cause of justice, if considered relevant and material for a full, complete and meaningful conclusion of the trial. However, this order is not an expression on the merits of the documents applied for production as evidence. The weight to be attached to the documents and the view on them lies in the domain of the trial court.

The petition stands allowed.

(RAJIV NARAIN RAINA)
JUDGE

07.07.2017
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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>