

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

**Crl. Misc. No.M-42807 of 2017(O&M)
Date of Decision: 22.11.2017**

Sukhdeep Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Naveen Bawa, Advocate
for the applicant-petitioner.

LISA GILL, J(Oral).

CRM-37712 of 2017.

Annexure P-5, is taken on record subject to just exceptions.

Exemption in filing certified copy thereof, is granted.

Application is disposed of.

CRM-M-42807 of 2017.

Petitioner seeks quashing of order dated 30.10.2017 (Annexure P-3), passed by learned Chief Judicial Magistrate, SAS, Nagar (Mohali), whereby his application under Section 311 Cr.P.C, for summoning clerk of Hind Motors India Limited along with the vehicle delivery certificate-cum-gate pass and application for the delivery of car, has been dismissed.

Brief facts necessary for the adjudication of the case are that FIR no. 265 dated 15.10.2013, under Sections 406, 498-A IPC was registered at the instance of petitioner against her in-laws. As per the allegations therein, a car (Nissan) was given to the petitioner's husband at the time of marriage in dowry among other articles. It is alleged that the bill of the said car was issued in the name of her husband on his asking though

its price was paid by the petitioner's father. An employee of Hind Motors was cited as a witness to prove this assertion and this witness was indeed examined as PW-5 on 18.09.2017. The said witness was declared hostile and was subjected to cross-examination by the prosecution. Thereafter, application (Annexure P-5) was moved by the petitioner for summoning a clerk of Hind Motors India Limited along with the vehicle delivery certificate-cum-gate pass and application for the delivery of car.

Learned trial Court vide impugned order dated 30.10.2017 dismissed the said application primarily on the ground that another witness cannot be called just because an earlier witness has failed to prove the case of the prosecution. Aggrieved therefrom, this petition has been filed.

Learned counsel for the petitioner vehemently argued that the car which was given in dowry was purchased by the petitioner's father. The car was purchased in the name of the petitioner's husband on his asking. An application for delivery of the car was moved by the petitioner's father. A gate pass was issued at the time of delivery of the car and copy thereof was retained by the petitioner's father. Therefore, this petition be allowed.

I have heard learned counsel for the petitioner and have carefully gone through the file with his able assistance.

Apart from being unable to point out as why another witness from Hind Motors should be summoned merely because the earlier witness of the said company failed to prove the prosecution case, learned counsel is unable to show how the said witness and documents sought to be summoned can prove the purchase of the car by the petitioner's father.

Learned counsel for the petitioner is unable to point out any illegality, infirmity or perversity in the impugned order dated 30.10.2017, passed by the learned Chief Judicial Magistrate, SAS, Nagar (Mohali),

which calls for interference by this Court in exercise of jurisdiction under
Section 482 Cr.P.C.

Accordingly, this petition is dismissed.

22.11.2017
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No

Whether reportable: Yes/No