

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

CRR No.3677 of 2016
Decided on: 31.01.2017

Johnny Kumar

... Petitioner

Versus

State of Punjab and others

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present: Mr. Jasraj Singh, Advocate
for the petitioner.

Ms. Dhivya Jerath, AAG, Punjab.

JITENDRA CHAUHAN.J.(ORAL)

By way of the instant revision petition, the petitioner has laid challenge to order dated 29.07.2016 (Annexure P-1) passed by learned Additional Sessions Judge, Hoshiarpur, whereby the application moved by the petitioner under Section 311 of the Code of Criminal Procedure, for summoning two witnesses, namely, Gurdeep Singh and Harminder Talwar, has been dismissed.

Learned counsel for the petitioner contends that the impugned order (Annexure P-1) was passed without appreciating the fact that in the first version made by the petitioner dated 14.02.2013, name of the summoned witnesses Gurdeep Singh and Harminder Talwar, have been specifically reflected. Learned trial Court fell into an error in observing that in the complaint, the petitioner had only cited his father Salinder Pal and his brother Paramjit as eye witnesses of the

occurrence. Thus, learned counsel contends that the impugned order is against record.

This factual aspect of the matter is duly acknowledged by the learned State Counsel.

None has caused appearance on behalf of respondent Nos.2 to 5 despite service.

In the instant case, petitioner was allegedly given multiple injuries by the private respondents including fracture of the right hand which was declared grievous injury. In the first version recorded by the complainant/petitioner, which finds mention in the inquiry report dated 14.02.2013 (Annexure P-4), the names of the witnesses namely Gurdeep Singh and Harminder Talwar sought to be summoned had been duly reflected.

In view of the above, the instant revision petition is allowed; impugned order dated 29.07.2016 (Annexure P-1) is set-aside; and the application moved by the petitioner for summoning Gurdeep Singh and Harminder Talwar, is allowed.'

31.01.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No