

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

CRL. REVISION No.4648 OF 2017
DATE OF DECISION : 16th AUGUST, 2017

Rupinder Kaur

.... Petitioner

Versus

State of Punjab & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

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

Ms. Samina Dhir, D.A.G. Punjab.

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A. B. CHAUDHARI, J. (ORAL)

This is a petition directed against the order dated 01.12.2016 passed by learned Additional Sessions Judge, Hoshiarpur declining application under Section 311 Cr.P.C. to summon the witness Om Dutt Sharma for examination.

Heard learned counsel for the rival parties.

Following are the reasons recorded by the learned trial
Court:

“The prosecution of the present case seeks permission to examine Om Dutt Sharma for placing on record the CD which was prepared by him on 29.06.2012 after visiting the spot. By the said date, the cross version had not come up. The matter was not investigated in the light of the said

cross version, which has come up on 2.7.2012.

The CD happens to be only one link in the circumstances brought on record by the prosecution in both the cases, whereas the matter of determination of the aggressor party would comprise within its ambit the entire material collected by the Investigating Agency and produced on record by the prosecution. Since the entire version and cross version is to be looked into by the Court at the time of adjudicating upon the question of aggressor party, the examination or non-examination of Om Dutt Sharma photographer in the present case would be inconsequential. The cross case State Vs Baldev Singh is time bound case and has to be decided by 17th of this month. The present case being cross version has to be decided together with the main case. It is the specific case of Om Dutt Sharma in the case State vs. Baldev Singh that he never entered the house of Bhupinder Singh at the time of recording the CD. In this backdrop, the testimony of Om Dutt Sharma is not found necessary in the present case as the same. No prejudice shall be caused to the prosecution by non-examination of Om Dutt Sharma in the present case, more particularly when, as observed here in before, it is entire

material collected by the Investigating Agency and produced on record by the prosecution in both the cases that will be looked into while determining the question of aggressor party.”

I agree with the reasons given by the learned trial Court for dismissing the application regarding examination of Om Dutt Sharma.

In the result, CRL. REVISION No.4648 OF 2017 is dismissed.

16th AUGUST, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No