

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CRR No.110 of 2017 (O&M)
Date of decision:18.1.2017

Rohit Garg and others

... Petitioners

versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Vishal Deep Goyal, Advocate,
for the petitioners
...

AMOL RATTAN SINGH, J. (Oral)

Learned counsel for the petitioners relies upon a judgment of the Supreme Court in Rajaram Prasad Yadav vs. State of Bihar and another, 2013 (3) RCR (CrL.) 726, as also of a coordinate Bench of this Court in Iqbal Singh vs. State of Punjab, 1999(4) RCR (CrL.) 625, to submit that once a witness had been examined, recalling him for further re-examination to bring on record the additional documents would amount to filling in the lacuna in the case of the prosecution.

No doubt, the aforesaid contention of learned counsel for the petitioners may be correct in a situation where additional documents are being called either from the police or from any other source, except judicial custody. However, the witness sought to be re-examined is a Record Keeper in the Civil Courts, Dhuri, District Sangrur, and the documents which are now sought to be examined, are admittedly a part of the judicial record.

On query, learned counsel fairly admits that the examination of

the prosecution witnesses otherwise is still going on.

In view of the above, I see no error in the impugned order passed by the learned trial Court. Consequently, this petition is dismissed.

Of course, the learned trial Court would take into consideration that opportunity to examine the aforesaid witness was earlier there with the prosecution, which he did not avail of, and shall ensure that the trial shall not be unnecessarily delayed on that account.

18.1.2017
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No