

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

CRR-2246 of 2017

Date of decision: 18.8.2017

Karanbir Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Sandeep Panwar, Advocate
for the petitioner.

H.S. MADAAN, J.

This revision petition is directed against the order dated 25.5.2017 passed by the Court of learned Additional Sessions Judge, SAS Nagar (Mohali) vide which application moved under Section 311 Cr.P.C. by the petitioner was dismissed.

The complainant, who is petitioner before this Court prays that the revision petition filed by him be accepted and the order passed by learned Additional Sessions Judge, SAS Nagar (Mohali) be set aside and application under Section 311 Cr.P.C. moved by him be allowed.

Briefly stated, the facts of the case are that during trial of the case titled *State Versus Rakesh Kumar*, the complainant had moved an application under Section 311 Cr.P.C. to summon and examine the

witnesses namely Ram Pal son of Nath Singh and Ram Singh son of Tej Pal Singh stating that their statements were necessary for just and proper decision of the case more particularly when an application under Section 319 Cr.P.C. filed by complainant to proceed against Dharampal son of Kallatar Singh and Kamaljit Singh @ Kamal son of Dharampal which had though been allowed by the trial Court vide order dated 5.9.2016 had been set aside by High Court giving opportunity to complainant to raise the issue if sufficient material came on record.

The said application was opposed by APP for the State submitting that during the investigation of the case neither such persons namely Ram Pal son of Nath Singh and Ram Singh son of Tej Pal Singh had appeared before the Investigating Officer nor they were produced before him by Karanvir Singh complainant. Accused in the reply submitted by them challenged maintainability of the application stating that Ram Pal and Ram Singh were not present at the place of occurrence.

After hearing counsel for the parties and going through the record, learned Additional Sessions Judge, SAS Nagar (Mohali) had observed that the application has been moved by the complainant himself, which was not forwarded by APP for the State, rather the prosecution had opposed the application contending that such persons had not appeared before the Investigating Officer. Their names were not there in the list of witnesses and their statements under Section 161 Cr.P.C. were not recorded. It has further been observed that the application has been moved just to linger on the matter and no ground was made out to allow the application.

I have heard the learned counsel for the parties besides going through the file and I am of the view that the order under revision is well reasoned one and there is absolutely no illegality and infirmity much less apparent on the face of it. There is no ground for interference with such order while exercising revisional jurisdiction by this Court. Resultantly, the revision petition stands dismissed.

18.8.2017
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No