

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

**CRM-M-20753 of 2016(O&M)
Date of Decision: 14.02.2018**

Sushma

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Padamkant Dwivedi, Advocate
for the petitioner.

Mr. Ramesh Kumar, AAG., Haryana.

Mr. Yogesh Gupta, Advocate
for respondent no.2.

LISA GILL, J(Oral).

This petition has been filed for quashing of order dated 20.05.2016, vide which the application under Section 311 Cr.P.C., for examination of the additional witnesses, was dismissed by the learned Judicial Magistrate Ist Class, Hisar.

Brief facts necessary for the adjudication of the case are that FIR No. 978 dated 24.10.2013 was registered at the instance of the petitioner against respondent no.2. An application under Section 311 Cr.P.C. (Annexure P-2) was moved for additional evidence, wherein the complainant sought to examine the following witnesses:-

1. Paramjeet Singh son of Sardar Kirpal Singh, resident of H.No. 11-A, M.C. Colony, Hisar.

2. Harish Goel son of Hanuman Goel, resident of H.No.12-A, M.C. Colony, Hisar.
3. Sarjeet Singh son of Ramji Lal, resident of VPO Dabra, Tehsil and District Hisar.

The petitioner sought to examine the said witnesses to prove the bills through which articles of *Istridhan* were purchased. The learned trial Court vide impugned order dated 20.05.2016 observed that the said application was merely an attempt by the complainant to fill in the lacuna in the prosecution case, as the Investigating Officer (PW-3), had admitted in his cross-examination that no proof of the marriage being an extravagant affair had come up and no proof of any bill/receipt has ever been given by the complainant. It is thereafter, the application under Section 311 Cr.P.C., has been moved.

It is not in dispute that during the pendency of this petition, bills referred to in the application (Annexure P-2) were verified by the Investigating Agency. This is so reflected in affidavit dated 24.01.2017 by Bhagwan Dass, HPS, Deputy Superintendent of Police, HQ, Hisar. It is specifically mentioned that the bills were collected by the IO (PW-3) and the same were verified by the concerned shop owner/dealing hands. The bills were attached as Annexures R-1 to R-16.

In this view of the matter, no serious objection has been raised by learned counsel for respondent no.2.

Keeping in view the facts and circumstances of the case and particularly the subsequent development as above, impugned order dated 20.05.2016 is set aside and this petition is disposed of with a direction to the learned trial Court to afford two effective opportunities to the petitioner to examine the witnesses as mentioned above.

It is clarified that none of the observations made hereinabove

shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

14.02.2018

s.khan

(LISA GILL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable:Yes/No