

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

**CRM-M-21071-2017
Date of decision-27.11.2018**

Shiv Kumar

....Petitioner

Vs.

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Manoj Kumar Pundir, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

Ms. Aashna Gill, Advocate for
Mr. Aman Pal, Advocate for respondent No.2.

MANOJ BAJAJ, J.

The petitioner is an injured person in case FIR No.311 dated 27.08.2016 registered under Sections 307, 323 and 506 read with Section 34 of Indian Penal Code at Police Station Indri, District Karnal and has challenged the order dated 31.05.2017 (Annexure P-5) whereby his application dated 25.05.2017 (Annexure P-4) filed under Section 311 Cr.P.C for summoning of additional witness has been dismissed by the Court below.

The petitioner intends to examine the doctor who had treated him w.e.f. 26.07.2016 to 03.08.2016 as an outdoor patient. However, the evidence post admission already stands adduced.

Learned counsel for the petitioner has argued that the additional evidence sought to be adduced is very crucial and will

facilitate the Court to arrive at its just conclusion to adjudicate the offence committed by the accused persons.

Learned counsel for the accused opposes the application and has submitted that the order is justified and does not warrant any interference as the petitioner is filling up the lacunae by way of adducing the additional evidence.

I have heard learned counsel for the parties and have perused the order passed by the Court below, whereby it has simply referred to the evidence of the prosecution which relates to the admission period of the petitioner. The Court has not given any reasons for not attaching any importance to the evidence, now sought to be adduced, which relates to the treatment of petitioner as an outdoor patient.

In the considered opinion of this Court, in case the opportunity is given to adduce additional evidence no prejudice shall be caused to the accused persons who will be given effective opportunity to cross-examine the witnesses and rebutt the same.

In view of the above, impugned order dated 31.05.2017 (Annexure P-5) is set aside and the application under Section 311 Cr.P.C for summoning additional witness is allowed.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

27.11.2018

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