

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-24677 of 2017 (O&M)

Date of decision: August 28, 2018

Pardeep Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. N.S. Dhandiwal, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

SURINDER GUPTA, J

Mr. Baldev Singh, respondent no.2 appeared in person.

Service complete.

Heard.

During trial, petitioner moved application to summon doctors who had prepared x-ray/CT scan report after examining the injured Tarsem Singh. Learned counsel for petitioner submits that x-ray/CT scan report was signed by two doctors namely Dr. Sonam Walia and Dr. Gurjinder S. Bajwa. Dr. Sonam Walia resigned from D.M.C. Hospital Ludhiana and her whereabouts could not be located as she had married against the wishes of her parents and had left with her husband to some undisclosed destination. Despite issuance of repeated summons when her presence could not be procured, application was moved to call Dr. Gurjinder S. Bajwa who has signed the report but the same was declined only on the ground of delay in filing the application.

X-ray/CT scan report of the injured is a material document.

The fact that one of the doctor who was cited as a witness had left the hospital and thereafter her address could not be located cannot be attributed as lapse on the part of prosecution to produce the doctor. Trial court was competent to summon other doctor being material witness to prove x-ray/CT scan report. Dismissal of the application with the observations that it has been filed at belated stage is not tenable in the eyes of law.

In view of the above, the instant petition is allowed and impugned order dated 10.7.2017 passed by the trial court is set aside. The application under Section 311 Cr.P.C. moved by the prosecution is allowed and the Trial court is directed to proceed further in the matter in accordance with law.

August 28, 2018

deepak

(Surinder Gupta)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No