

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-28187-2018

Date of decision: 13.09.2018

Surinder Pal

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Ms. Rajni Maurya, Advocate for
Mr. Naveen Batra, Advocate for the petitioner.

Mr. Harpreet Multani, AAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C., challenge has been laid to order dated 11.06.2018 (Annexure P-5) of the trial Court, whereby application of the petitioner-complainant under Section 311 Cr.P.C. (Annexure P-4) was dismissed.

Learned counsel for the petitioner *inter alia* contends that the accused have caused grievous injuries on head of the son of petitioner, namely; Mukesh, vide report dated 12.07.2010, Ex. PW-10/S by the Board of Doctors. Therefore, examination of Dr. Gursharan Singh, who conducted MRI Head and prepared C.T. Scan Report of his son, was very much necessary to corroborate prosecution evidence. The trial Court has failed to appreciate that injury No. 1, declared grievous in nature vide report Ex. PW-10/S is on the left high parietal region of the son of petitioner, which is always dangerous to life to any human being. In the absence of production and proving of aforesaid CT Scan Report and MRI Head, the case of

prosecution may fail qua causing of grievous injuries to the son of the petitioner by the accused.

On the other hand learned State counsel vehemently refuted the above submissions of learned counsel for the petitioner.

Having given thoughtful consideration to the rival submissions of both the sides, this Court finds merit in the instant petition, in view of the fact that State cases are always conducted by Public Prosecutor, who must have lost sight of the fact that production of CT Scan Report and MRI Head to prove grievous nature of the injuries suffered by the son of petitioner by examining Dr. Gursharan Singh, as a prosecution witness was very much necessary for effective adjudication. For the lapse of Public Prosecutor, the petitioner-complainant or his injured son is not liable to be penalized or can be made to suffer.

Therefore, the instant petition is allowed and the impugned order dated 11.06.2018 (Annexure P-5) is set aside. Trial Court is directed to allow the petitioner to examine Dr. Gursharan Singh of Advanced Krishna Gandhi Diagnostic Centre, Garhshankar Road, Opposite Sanjog Palace, Nawashahar, as an additional witness in order to prove the aforesaid reports.

September 13, 2018

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No