

CRM-M-9018-2018 (O&M)

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-9018-2018 (O&M)

Date of decision : 1.3.2018

Lakshay Jain

... Petitioner

VERSUS

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Inderjit Singh Chawla, Advocate,
for the petitioner.

RAJ SHEKHAR ATTRI, J.(Oral)

The petitioner has invoked jurisdiction of this Court under Section 482 of Code of Criminal Procedure for setting aside order dated 19.1.2018 (P-5) passed by learned Judicial Magistrate, 1st Class, Ludhiana vide which application under Section 311 Code of Criminal Procedure was allowed for summoning Dr.Ramandeep Kaur and Dr. Pal Sudhakar as prosecution witnesses to prove the post mortem examination report and PW Balkar Singh as investigating officer.

Learned counsel for the petitioner has submitted that in order to cover up the lacuna in the prosecution case, the application for additional evidence was moved which was allowed vide impugned order (Annexure P-5).

This Court has considered this contention and gone through the material available on record.

The prosecution wants to examine Balkar Singh, Investigating Officer of the case and also Dr. Ramandeep Kaur and Dr. Pal Sudhakar to prove the post mortem examination report of the deceased.

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To the mind of this Court, all of them are material witnesses and their examination-in-chief is essential for just decision of the case and also in the interest of justice.

In this view of the matter, this Court is of the opinion that the impugned order does not suffer from any illegality, irregularity and infirmity, as such, it does not call for interference by this Court. Consequently, this petition stands dismissed. However, the learned trial Court is directed to expedite the trial as early as possible preferably within a period of 3 months from the date of receipt of a certified copy of this order.

March 1, 2018

Paritosh Kumar

**(RAJ SHEKHAR ATTRI)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No