

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

CRM-M-9659-2018

Date of Decision:07.03.2018

Vishal Verma

.....Petitioner

Vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Jagjit Pal Singh Sarao, Advocate,
for the petitioner.

Mr. J.S.Walia, Senior Deputy Advocate General, Punjab

AMOL RATTAN SINGH, J. (Oral)

By this petition the order of the trial Court (Additional Sessions Judge, Patiala), dated 28.02.2018, has been challenged, by which that Court has allowed an application filed by the prosecution under Section 311 Cr.P.C., for examining one Naveen Kumar as a witness, though the said Naveen Kumar had not been listed as a witness at any stage prior to the filing of the application on 26.02.2018.

Learned counsel for the petitioner submits that, firstly, it is not possible that the Public Prosecutor would know even the parentage of Naveen Kumar, if the contention of the prosecution is that Naveen Kumar could not be listed earlier as his name came up only in cross-examination of the investigating officer.

He further submits that in any case at this stage, introducing a new witness is prejudicial to the defence of the accused.

Having considered the aforesaid arguments, the ongoing trial being one in which charges have been framed against the accused for the alleged commission of offences punishable under Sections 302/460/473/482/201/34 IPC, with the security guard posted at the ATM Machine installed in the State Bank of Patiala having been killed, with the intention of looting the machine, and the trial Court having come to the conclusion that the examination of the aforesaid witness is necessary as he is stated to be a person well versant in the technique of preparing a compact disc from CCTV footage obtained from the camera installed in the ATM, I see absolutely no reason why the said witness should not be examined, with naturally all arguments available to the accused in their defence, with also naturally a right of cross-examination of the witness, available to them.

Consequently, finding no merit in the petition, it is dismissed.

However, nothing stated heretofore will be taken as an observation by this Court on the merits of the case, either for the prosecution or for the accused, which would naturally be gone into by the trial Court as per the evidence led before it.

March 07, 2018

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned	: YES/NO
Whether Reportable	: YES/NO