

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-2447-2018 (O&M)

Date of decision: 22.10.2018

Ankur Modgil

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. SS Gill, Advocate for the petitioner.

Mr. Vikramjit Singh, Addl. A.G., Haryana.

Mr. Sandeep Berwal, Advocate for respondent No. 2.

RAMENDRA JAIN, J. (ORAL)

Service complete.

Vakalatnama filed on behalf of respondent No. 2 is taken on record. Office to tag the same at the appropriate place.

None has put in appearance on behalf of respondent No. 3, despite service.

Through this revision, challenge has been laid to the impugned order dated 31.05.2018 of the trial Court, rejecting the application of the prosecution under Section 311 Cr.P.C., for summoning of additional witness, namely; Dr. Kiranpreet Kaur of Shah Hospital, Kaithal, who had operated the injured-petitioner.

In nutshell, respondents No. 2 and 3, namely; Manjeet Singh @

Gully and Sunil @ Silla, are facing trial in case FIR No. 448 dated

Police Station Civil Lines, Kaithal. After closure of the prosecution evidence, the case was fixed for recording of statement of accused-respondents No. 2 and 3 under Section 313 Cr.P.C. However, before recording their statements, prosecution through complainant-petitioner moved application under Section 311 Cr.P.C. to summon and examine Dr. Kiranpreet Kaur of Shah Hospital, Kaithal, along with complete medical record of petitioner to prove the nature and gravity of injuries caused by respondents No. 2 and 3 to him.

Learned counsel for the petitioner *inter alia* contends that the trial Court has failed to appreciate that examination of treating doctor namely; Dr. Kiranpreet Kaur, was very much essential for just and effective adjudication of the case.

On the other hand, learned counsel for respondent No. 2 vehemently refuting the above submissions contends that PW-9 Dr. Arvind Sharma, has already given opinion about the nature of injuries suffered by the complainant-petitioner. Therefore, summoning of Dr. Kiranpreet Kaur, as additional witness who treated the complainant amounts to overdoing by the prosecution.

Having given anxious consideration to the rival submissions of both the sides, this Court finds no merit in the instant revision for the reasons to follow:

The prosecution has already proved nature of injuries or gravity thereof suffered by the petitioner by examining PW-9 Dr. Arvind Sharma. Therefore, production of treatment record of petitioner in a private hospital has not much relevance, inasmuch, as the petitioner in his own statement has disclosed about the total period of his hospitalization and also the nature

of injuries suffered by him.

The application under Section 311 Cr.P.C. was moved by the prosecution, after closure of its evidence, which definitely amounts to causing delay in conclusion of trial.

I have carefully gone through the impugned order and find no illegality or perversity in the same.

Dismissed.

October 22, 2018

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No