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

**CRR-2578-2018 (O&M)
Date of Decision:09.08.2018**

Dharminder Singh**....Petitioner**

Versus

State of Punjab**....Respondent****CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: - Mr. G.S. Ghuman, Advocate
for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this petition, a prayer has been made for setting aside order dated 16.05.2018 of the trial Court whereby application of the prosecution under Section 311 Cr.P.C. for examination of the investigation officer and the clerk of Senior Superintendent of Police, Fatehgarh Sahib was allowed.

Learned counsel for the petitioner contends that the trial Court failed to appreciate that names of the witnesses sought to be examined were not mentioned in the list of witnesses filed along with report under Section 173 Cr.P.C. by the police before it. Meaning thereby that prosecution had not relied upon the witnesses, which are now sought to be summoned under Section 311 Cr.P.C.. Since the petitioner had never moved application before the Senior Superintendent of Police, Fatehgarh Sahib, therefore, examination of the Clerk of the office of Senior Superintendent of Police Fatehgarh is not necessary.

Heard.

Considering over all facts and submissions made by the learned counsel for the petitioner, this Court finds that the instant petition is completely devoid of merits, for the reason that by way of impugned order, the learned Trial Court has permitted the prosecution for examination of the investigating officer, who could not be mentioned in the list of witnesses filed along with report under Section 173 Cr.P.C. due to oversight or inadvertent mistake According to the prosecution, examination of the clerk of the office of Senior Superintendent of Police, Fatehgarh Sahib is necessary to prove that an application was submitted by the petitioner before the police.

The investigating officer is the most important witness to prove the chain of evidence and manner in which investigation was conducted. There should not be any fear in the mind of the petitioner that, in case, clerk of Senior Superintendent of Police, Fatehgarh Sahib is examined and he deposes about filing of two applications/complaints by him inasmuch as he would get an opportunity to cross-examine both the witnesses.

Dismissed.

9th August, 2018

shabha

**[RAMENDRA JAIN]
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether Reportable : *Yes/No*