

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

CRR No.5037 of 2018.

Decided on:- December 18, 2018.

Amarbhan.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Ram Pal Verma, Advocate
for the petitioner.

HARI PAL VERMA, J. (Oral)

The petitioner has filed present criminal revision against the order dated 20.10.2018 passed by learned Additional Sessions Judge, Sonapat, whereby in a case bearing FIR No.23 dated 29.01.2017 under Section 306 IPC registered at Police Station, City Gohana the application under Section 311 Cr.P.C. filed by the prosecution for examining Deepak son of Zile Singh as a witness by way of additional evidence, was dismissed.

Learned counsel for the petitioner has argued that deceased Jai Bhagwan had died by consuming some poisonous substance when he was on duty in Ummeed Corporation Private Limited. Accused Praveen Panchal was also working with him in the same company. At the time when deceased Jaibhagwan was admitted in PGIMS, Khanpur Kalan, Deepak was witness to the dying declaration of Jai Bhagwan in PGIMS, Khanpur Kalan. Deceased

Jai Bhagwan had made a statement in the presence of Deepak that it is because of accused Praveen Panchal, he had consumed poisonous substance.

I have heard learned counsel for the petitioner and perused the impugned order dated 20.10.2018 passed by learned trial Court.

Apart from the fact that the application under Section 311 Cr.PC was filed at the fag end of the conclusion of prosecution evidence, the prosecution has nowhere mentioned the name of Deepak in the complaint Ex.PW4/A. Similarly, his name has not been recorded in the statement of PW5 Anuj recorded during the course of investigation. Petitioner Amarbhan, who is father of deceased Jai Bhagwan and the complainant in the case, has also not named him during his examination in chief before the trial Court. Rather, as per the statement of PW5 Anuj in his examination-in-chief, Deepak had prepared a video of the conversation between him and Jai Bhagwan, but this fact has not been mentioned in the statement of complainant Amarbhan while appearing in the witness box as PW4. Therefore, this Court does not find any reason to interfere with the impugned order dated 20.10.2018 passed by learned trial Court.

The present criminal revision is, accordingly, dismissed.

December 18, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No