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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7560-2019

Date of decision-28.02.2019

Parminder Singh

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Riffi Birla, Advocate for the petitioner.

MANOJ BAJAJ, J.

Accused has filed this petition under Section 482 of Code of Criminal Procedure to challenge the order dated 05.02.2019 (Annexure P-2) passed by the revisional Court, whereby the order of the learned trial Court, dismissing the application to summon Dr.Rajiv Joshi and RTA Officials of Ferozepur as defence witnesses was dismissed on 17.01.2019 was upheld.

Proceedings are arising out of case FIR No.43 dated 11.04.2017 registered under Sections 279, 337, 338, 427 and 304-A of Indian Penal Code at Police Station Sadar Fazilka, District Fazilka. In a vehicular accident, three of the occupants of two wheeler died on the spot whereas one, namely, Prince suffered injuries. After commencement of trial, prosecution examined all the witnesses and had closed its evidence. When the case was fixed for defence evidence, after recording of the statement of accused under Section 313 Cr.P.C, an application was moved for summoning the above mentioned two persons as defence witnesses. The trial

Court after considering the grounds raised, proceeded to dismiss the same vide its order dated 17.01.2019. Aggrieved against the same, the petitioner preferred a revision petition and the same was also dismissed as the revisional Court did not find any illegality or impropriety in the order passed by the trial Court.

Learned counsel for the petitioner has been heard and with her assistance, I have gone through the case file carefully.

Learned counsel for the petitioner has contended that these witnesses are necessary to prove the defence that the victims, if, were actually run over by a car would not suffer the amputation of the leg. It is argued by the counsel that the mechanic has already been examined, who has mentioned that the car is damaged from the both sides i.e. front and rear and therefore, examination of these witnesses is necessary to establish this fact that the possibility of victims being run over by some heavy vehicle cannot be ruled out.

After considering the argument, this Court is of the opinion that there is no merit in this ground particularly when doctor sought to be summoned as defence witness, had neither treated the injured nor conducted any post-mortem of the victims. Besides, the examination of mechanic regarding the condition and nature of the vehicle has no relevance with the testimony of the alleged witnesses sought to be adduced in defence.

To a pointed query to the counsel, it is apprised that doctor who conducted post-mortem of deceased has been examined by the prosecution and the cross-examination on similar lines has already been conducted. No

other argument was raised. Considering the nature of the case and the reasoning delivered by the trial Court and the revisional Court, this Court does not find any valid reason to interfere with the impugned orders.

Resultantly, petition is dismissed.

(MANOJ BAJAJ)
JUDGE

28.02.2019
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No