

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

**CRR No.715 of 2019 (O&M)**

**Date of decision: 20.03.2019**

Surinder Singh

....Petitioner

Versus

Jagjit Kaur @ Karnail Kaur and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

**Present:** Mr. R.S. Pandher, Advocate  
for the petitioner.

**ARVIND SINGH SANGWAN J. (Oral)**

Prayer in this revision petition is for setting-aside the order dated 13.02.2019 vide which the trial Court has dismissed the application filed by the petitioner under Section 311 of the Code of Criminal Procedure (in short 'Cr.P.C.') in a criminal complaint No.325 of 2015 filed under Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006 titled as '*Surinder Singh vs Jagjit Kaur*', for examining one Rajwinder Singh as a witness.

Counsel for the petitioner has submitted that one witness namely Kuldeep Singh had suffered brain haemorrhage and, therefore, he was not in a position to depose before the trial Court and thus, the complainant wants to examine another witness namely Rajwinder Singh, who also attended the marriage function. It is further submitted that the application was contested by the respondent on the ground that neither the name of Rajwinder Singh is reflected in the list of witnesses nor he has been referred to in the complaint itself. The trial Court has dismissed the application and the present petition has been filed

challenging the aforesaid order dated 13.02.2019.

Counsel for the petitioner has further argued that the aforesaid Rajwinder Singh has also attended the marriage function and, therefore, he is a material witness and the trial Court has wrongly declined the prayer of the petitioner.

After hearing the counsel for the petitioner, I find no ground to interfere in the well-reasoned order passed by the trial Court.

A perusal of the petition show that the petitioner has not attached the statement of the complainant wherein he has ever referred that Rajwinder Singh was also one of the witness. Even, the copy of the complaint is also not attached to show that Rajwinder Singh was cited a witness. Counsel for the petitioner, however, has not disputed the fact that Rajwinder Singh is neither named in the complaint nor cited as witness in the list of witnesses, therefore, I find no ground to interfere in the impugned order dated 13.02.2019 passed by the trial Court as it is well settled principle of law that the application filed under Section 311 Cr.P.C., cannot be allowed just to fill up the lacunas.

Dismissed.

**(ARVIND SINGH SANGWAN)**  
**JUDGE**

**20.03.2019**

*yakub*

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No