

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.268

CRM-M-23839-2017

Date of decision : 21.1.2019

Parmjit Kaur

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. MJS Bedi, Advocate, for the petitioner.

Mr. K.S. Sidhu, DAG, Punjab

SUDHIR MITTAL, J. (Oral)

The petitioner is the mother of deceased Bittu Singh. An application under Section 311 Cr.P.C moved by the prosecution for summoning Binder Singh (father of the deceased person) as a prosecution witness has been rejected vide impugned order dated 5.6.2017 passed by Sub Divisional Judicial Magistrate, Phul. Hence, the present petition under Section 482 Cr.P.C. has been filed for quashing of the said order.

Learned counsel for the petitioner submits that Binder Singh (father of deceased Bittu Singh) has identified the dead body of the deceased. He has also identified Lakhbeer Singh, PW4, when his statement was recorded by the police under Section 161 Cr.P.C. Said Lakhbeer Singh, PW4, has turned hostile and therefore, it is essential to examine Binder Singh as a prosecution witness.

A perusal of the aforementioned impugned order shows that the aforementioned submissions of counsel for the petitioner did not find favour with the trial Court. It has been held that Binder Singh is not a witness of the incident and thus, his examination by the prosecution is not relevant. The application has been filed only to delay a decision of the case.

Learned counsel for the petitioner has not been able to point out any error in the aforementioned findings and thus, I see no ground to interfere with the impugned order. The petition is without any merit and is accordingly dismissed.

(SUDHIR MITTAL)
JUDGE

21.1.2019
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No