

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

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**CRR-1951-2018 (O&M)
Date of Decision : 22.2.2019**

Dalip Kumar

....Petitioner

vs.

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Namit Khurana, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

AJAY TEWARI, J. (Oral)

This is a revision challenging the order dated 15.5.2018 rejecting the application filed under Section 311 Cr.P.C, as per which the petitioner wanted to recall the DW 4 ASI Jaswant Singh for the purpose of moving a complaint which was allegedly moved by his wife before concerned Superintendent of Police on 4.7.2016.

Learned counsel for the petitioner has argued that in the summons due to mistake inadvertently wrong details of the complainant were mentioned and that is why the petitioner wanted to recall him. As per him, the Trial Court has taken unduly harsh and unpedantic view in declining the application.

Learned Assistant Advocate General has defended the order of the Trial Court. In my considered opinion, though the order of the Trial Court cannot be technically termed as incorrect yet I do not deem it appropriate to deny the petitioner a chance to prove the document which

could have a material effect on his defence.

In the circumstances, petition is allowed and the impugned order dated 15.5.2018 is set aside.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

22.2.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No