

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

CRR No. 1750 of 2019

Date of decision: 25.07.2019.

Paramjeet Singh

..... Petitioner.

Versus

Subhash Chander and others

..... Respondents.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Jasdeep Singh, Advocate, for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the order dated 03.07.2019 passed by the trial Court whereby the prosecution evidence has been closed.

Learned counsel for the petitioner contends that the petitioner got registered FIR No. 186 of 16.08.2012, under Sections 323, 324, 506, 326 read with Section 34 of the Indian Penal Code, 1860, at Police Station Jodhewal, District Ludhiana. He also contends that the charges were framed on 10.06.2016 and on 23.04.2019, last opportunity was granted to the prosecution to conclude its evidence. He further contends that Dr. Davinder Kumar had earlier been examined, but his evidence could not be concluded as he was not present in Court on the next date of hearing and the trial Court instead granting another opportunity for recording the evidence of Dr. Davinder Kumar hurriedly closed the prosecution evidence by the impugned order. He further contends that Dr. Davinder Kumar, who is a Medical Officer and an Orthopedic, and his opinion with regard to nature

of injury suffered by the petitioner (complainant) would have material bearing on the case and, therefore, his evidence is necessary for the proper adjudication of the matter. Non-examination of Dr. Davinder Kumar would result in failure of justice and grave prejudice will be caused to the petitioner.

Heard.

In view of the limited prayer of the petitioner, I deem it appropriate to dispose of the petition without issuance of notice to the respondents. The examination of Dr. Davinder Kumar, who is a Medical Officer and an Orthopedic, and his opinion with regard to nature of injury suffered by the petitioner (complainant) would have material bearing on the case and his non-examination would cause manifest injustice to the petitioner (complainant). Therefore, it would be interest of justice if only one more opportunity is afforded to the prosecution to examine Dr. Davinder Kumar as a prosecution witness.

Consequently, the petition is allowed and the impugned order is set aside. The trial Court shall grant one opportunity to the prosecution to examine Dr. Davinder Kumar.

(ANUPINDER SINGH GREWAL)
JUDGE

25.07.2019
Ramesh

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No