

In the High Court of Punjab and Haryana at Chandigarh

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**CRR- 2371-2019 (O&M)
Date of Decision: 17.09.2019**

PAWAN JANGRA

.....PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Ms. Shaveta Sandhi, Advocate for
Mr. Yogesh Goel, Advocate for the petitioner.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has challenged the order dated 29.08.2019 whereby the application of the prosecution under Section 311 Cr.P.C has been allowed.

Learned counsel for the petitioner contends that the application could not have been allowed as it was meant to fill the lacuna in the prosecution case. Learned counsel contends that several opportunities have been granted to the prosecution to examine the doctor and this application has been moved after four years.

It is manifest from the impugned order that Dr. Shardha Goyal who had conducted the MLR of the injured Kaptan Singh Yadav could not be examined earlier, although several notices were issued to her. She had left her job and settled in the United States. The prosecution thereafter

moved an application under section 311 Cr.P.C for summoning the record keeper of the Govt. Hospital where the MLR of the injured was conducted. The trial Court summoned the record keeper alongwith the original MLR.

In the absence of the doctor who had conducted MLR, the record keeper alongwith the original MLR could be summoned which would lead to the proper and just adjudication of the matter.

I do not find any manifest illegality in the impugned order warranting interference while exercising the revisional jurisdiction. Consequently, the petition is dismissed.

Needless to state the petitioner shall get adequate opportunity to cross examine the summoned witness.

(ANUPINDER SINGH GREWAL)
JUDGE

17.09.2019

rakesh

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