

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

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Criminal Misc. No.M-53870 of 2018

Date of decision : 28.08.2019

Parveen Kumar

... Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. G.C. Shahpuri, Advocate for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

Mr. Ashit Malik, Advocate and

Mr. N.S. Shekhawat, Advocate for the private respondents.

Anupinder Singh Grewal, J. (Oral)

The petitioner who is complainant in FIR No.77 dated 07.04.2017 under Sections 148, 149, 323, 452 and 302 IPC registered at Police Station Chhachhrauli, District Yamuna Nagar, has impugned the order dated 30.11.2018 whereby application under Section 319 Cr.P.C. for summoning the Doctor from the Department of Plastic Surgery, PGI, Chandigarh, has been dismissed.

Learned counsel for the petitioner contends that it was necessary for the proper adjudication of the matter that the Doctor from the Plastic Surgery Department, PGI, Chandigarh who had treated and operated upon Vishal s/o Subhash was examined. The Investigating Officer due to over sight did not cite the Doctor as a witness. He prays for two effective opportunities to examine the concerned Doctor. A Coordinate Bench of this Court, while issuing notice of motion on 05.12.2018, had stayed the passing of the final order.

Learned State counsel states that he has no objection if the petition is allowed as it would be in the interest of justice that the aforementioned Doctor be examined as a witness for the proper adjudication of the case.

It appears that the Doctor from the Plastic Surgery Department, PGI, Chandigarh, who had treated the injured-Vishal is required to be examined for the proper adjudication of the matter and failure to examine the said witness may cause prejudice to the petitioner. Merely because the application has been preferred after examination of prosecution witnesses cannot be the sole ground to deny the application. Omission on the part of the prosecution in citing and examining this witness earlier needs to be rectified. All the prosecution witnesses have been examined and therefore, efforts should be made to prevent any delay in the trial. It would thus be in the interest of justice if only two effective opportunities are granted to summon and examine the afore-noted witness.

Consequently, the petition is disposed of with the direction to the trial Court to afford only two effective opportunities to summon and examine the Doctor from the Department of Plastic Surgery, PGI, Chandigarh and the trial Court is also requested to conclude the trial expeditiously.

(ANUPINDER SINGH GREWAL)
JUDGE

August 28, 2019
sonia gugnani

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