

CRR-1732 of 2019 (O&M)

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

CRR-1732 of 2019 (O&M)
Date of Decision: 29.01.2020

Waryam Kaur

...Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Ish Puneet Singh, Advocate, for the petitioner.
Mr. Pawan Sharda, Sr. DAG, Punjab.
None for respondents No.2 to 5.

RAMENDRA JAIN, J. (ORAL)

Through this revision, victim has assailed order dated 09.07.2019 of the trial Court, dismissing application dated 03.07.2019 under Section 311 Cr.P.C. moved through State counsel/Public Prosecutor, whereby she sought examination of five bank officials to prove credit balance in her bank account and that of her husband on the date of commission of crime by private respondents.

Briefly, deceased husband of the petitioner, namely, Lieutenant Commander Tarlochan Singh lodged FIR No.112 dated 10.10.2015 under Sections 381, 406, 420 and 120-B IPC against private respondents at Police Station Phase-XI, S.A.S. Nagar, on the allegations that they working as driver and domestic servant under them, mischievously misappropriate/siphoned more than ₹1.00 crore from their bank accounts.

During pendency of trial, petitioner moved two applications under Section

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311 Cr.P.C. for leading additional evidence, out of which one was allowed and second one was rejected vide order impugned herein on the ground that out of five witnesses sought to have examined in additional evidence, two were already arrayed as prosecution witnesses in final report under Section 173(2) Cr.P.C. and remaining three were sought to be examined to fill up lacuna in prosecution case.

Learned counsel for the petitioner *inter alia* contends that the trial Court did not appreciate the fact that two witnesses arrayed as prosecution witnesses in the final report under Section 173(2) Cr.P.C. though appeared in Court, but did not bring the relevant record. Remaining three bank officials, who were sought to be summoned as additional prosecution witnesses, were also quite relevant for just and effective decision of the case.

Private respondents (accused), despite effective service upon them, have not chosen to contest this petition.

Having given thoughtful consideration to the above submissions, this Court finds the instant petition merits acceptance for the reasons to follow.

The embezzled amount is quite huge i.e. more than ₹1.00 crore. Complainant, who was husband of the petitioner, expired during trial after his examination in Court. Bank officials sought to be summoned by petitioner as additional witnesses are necessarily required to be examined to prove the credit balance in the account of the petitioner and her deceased husband to prove that misappropriated amount was available in their bank accounts. Their examination would definitely facilitate the Court in

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effective adjudication of the case.

In view of discussion made above, petition is allowed. Impugned order is set aside. Trial Court is directed to summon and examine five bank officials mentioned in her application by the petitioner under Section 311 Cr.P.C. In case, they do not appear, Court may adopt coercive methods to procure their presence.

January 29, 2020
R.S.

(RAMENDRA JAIN)
JUDGE

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