

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.54881 of 2019 (O&M)
Date of Decision: February 12, 2020

Amit

...Petitioner

Versus

The State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. S.K.Hooda, Advocate,
for the petitioner.

MANOJ BAJAJ, J.

CRM No.3040 & 5325 of 2020

Applications are allowed. Documents taken on record.

CRM-M No.54881 of 2019

This petition has been filed under Section 482 Cr.P.C. for quashing the Revisional Court order dated 20.11.2019, whereby the order dated 03.06.2019 passed by the trial Court, dismissing the application filed by petitioner under Section 311 Cr.P.C. was upheld.

Learned counsel for the petitioner has argued that the witnesses sought to be summoned under Section 311 Cr.P.C. were the eye-witnesses, who were shown in the list of witnesses by the police. He has invited the attention of the Court to the photographs (Annexure P-7) to contend that the said witnesses are seen with the police officials, who were investigating the scene of crime. According to him, no prejudice would be caused to the accused in case the petitioner is allowed to examine these witnesses. It is prayed that the impugned orders be set-aside and the application filed by

him under Section 311 Cr.P.C. be allowed.

After hearing the learned counsel for the petitioner, this Court finds that the trial Court has carefully examined the entire material on record and rightly proceeded to dismiss the application filed by the complainant. A perusal of the impugned order reveals that the trial Court has specifically noticed that the presence of these witnesses was not narrated by the complainant in the first version recorded in the FIR. The trial Court has correctly observed that mere presence of the persons with the police officials is not enough to prove their presence at the time of occurrence. The order passed by the trial Court was further upheld by the Court of Sessions by dismissing the revision filed by the petitioner.

In view of the above, this Court does not find any reason to interfere with the impugned orders. Resultantly, the petition fails and is dismissed.

February 12, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No