

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

CRR No. 1128 of 2021

Date of decision: 04.10.2021

Gaurav Sidhu

..... Petitioner.

Versus

State of Punjab

..... Respondent.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Anil Kumar Spehia, Advocate, for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the order dated 14.02.2020 passed by the Additional Sessions Judge, Jalandhar, whereby his application under Section 391 of the Code of Criminal Procedure, 1973 ('Cr.P.C.' - for short), for summoning a witness in his defence has been dismissed.

Learned counsel for the petitioner contends that the petitioner wanted to examine a witness, namely, Manpreet, who was having a shop near the place of accident, and, therefore, his examination would be necessary and may be allowed, in the interest of justice.

Heard.

The petitioner had been convicted under Sections 279, 304-A and 427 of the Indian Penal Code, 1860, by the trial Court and sentenced to undergo rigorous imprisonment for a period of two years and pay a fine of ₹5,000/-. He had preferred an appeal and it was only at the appellate stage when the petitioner has sought examination of the aforementioned witness. A bare reading of the impugned order indicates that the evidence had been closed by

the trial Court on 04.10.2016. The statement of the petitioner under Section 313 Cr.P.C. was recorded on 17.10.2016 and he had been granted adequate opportunity to lead his evidence. The witness, who has been sought to be examined at the appellate stage, was not examined in defence before the trial Court. Therefore, I do not find any infirmity in the impugned order passed by the Appellate Court.

Consequently, the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

04.10.2021
Ramesh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No