

Sr.No.279

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

CRR-810 of 2020(O&M)

Date of decision:22.09.2022

Raj Kumar

... Petitioner

versus

State of Haryana

... Respondent

Coram: Hon'ble Mr. Justice Anoop Chitkara

Present: Mr. Bhagwat Dyal Sharma, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

Anoop Chitkara, J.

CRR-810-2020

Present revision petition has been filed for setting aside the impugned order dated 15.02.2020 passed by the learned Additional Sessions Judge, Kurukshetra whereby the application filed by the petitioner for summoning the witnesses in defence of the case and the same has been wrongly and unlawfully dismissed.

Aggrieved by the refusal of the trial court to re-examine

PW-Kuldeep Singh, the accused has come before this Court.

A perusal of the impugned order reveals that the accused wanted re-examination of witness PW-3 SI Kuldeep Singh on the grounds that there is nothing on the record to prove that on which date he was promoted from ASI to SI.

The accused/petitioner is being prosecuted for commission of offence under NDPS Act and this question has no relevance to the outcome of the trial. Furthermore, there is any lacunae in the prosecution's case then its benefit shall go to the accused and not to the prosecution. In the entirety of the facts and circumstances there is no illegality in the impugned order and no merits in the present petition.

Dismissed.

22nd September, 2022

[ANOOP CHITKARA]

Shivani Kaushik

JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No