

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

CRM-M-27762 of 2019(O&M)

Date of Decision: 28.07.2022

Parvinder Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Parminder Singh, Advocate
For the petitioner.**

Mr. Naveen Sheoran, DAG Haryana.

KARAMJIT SINGH, J.

Reply by way of affidavit of DSP, Indri filed by the State is taken on record.

The present petition has been filed by the petitioner seeking quashing of order dated 20.05.2019 (Annexure P-5) passed by the Court of Sub Divisional Judicial Magistrate, Indri whereby the application moved by the petitioner/ accused under Section 243(2) read with Section 311 Cr.P.C. was dismissed.

Counsel for the petitioner submits that the petitioner filed the aforesaid application praying for production of x-ray film and call detail record of accused in criminal case having FIR No. 127 dated 24.03.2015 under Section 148, 149, 323, 324 and 506 IPC registered at Police Station Indri, District Karnal. The counsel further submits that the petitioner is facing trial in the aforesaid case. However, there is also cross version as per which the opposite party also caused injuries to the

petitioner and one Karan Singh and their original x-ray films and call detail record of mobile phone No. 9896735193 relating to Sanjeev son of Karan Singh, Paramjit son of Balwan and Pardeep son of Balwan were taken into custody by the investigating officer during the investigation of the case and now all the said documents are available on the police file of the aforesaid case. The counsel for the petitioner further submits that the application in question was moved by the petitioner to summon the investigating officer along with the aforesaid documents so that they be tendered into defence evidence. The counsel for the petitioner further submits that the trial Court dismissed the aforesaid application without applying its mind vide impugned order (Annexure P-5) and the same is liable to be set aside.

The present petition is contested by the State counsel who submits that there is no illegality in the impugned order.

I have considered the submissions made by counsel for the parties.

Admittedly, now the case is fixed for defence evidence. The investigating officer who is intended to be summoned by the petitioner along with the aforesaid documents, has already been examined by the prosecution. Now the said investigating officer cannot be examined as a defence witness. There is no illegality in the impugned order. However, the trial Court under Section 91 Cr.P.C. can summon some other police official of the concerned police station directing him to produce the aforesaid documents and on their production, the petitioner is at liberty to summon the concerned doctor as well as official of the telecom

company to prove the concerned x-ray reports and call detail record in accordance with the provisions of law. The present petition is hereby disposed of in aforesaid terms.

28.07.2022

Jiten

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No