

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

CRR-1759-2022 (O&M)

Date of decision: 26.08.2022

Ajay Sahni @ Parbat Sahni

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Akashdeep Miglani, Advocate for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the present petition is for setting aside the order dated 28.07.2022 passed by the learned Judicial Magistrate 1st Class, Ludhiana, allowing an application under Section 311 Cr.P.C. preferred by the prosecution.

Learned counsel for the petitioner submits that the application under Section 311 Cr. P.C. was not moved by the prosecution, but by an Advocate; that it is not indicated in the said application as to on whose behalf it was moved; that the trial Court has wrongly observed that the application was moved by the prosecution; that the application was moved to prolong the litigation; that the application does not contain the name of even a single person as a witness from the management of M/s Munish Forge Pvt. Ltd. and that the application was moved to change the material and star witnesses, who

were cited in the list of witnesses attached with the Charge-sheet and that the witnesses, who have no link with the case are sought to be summoned.

I have heard the learned counsel for the petitioner.

The perusal of the documents would reveal that the application under Section 311 Cr.P.C. was filed for summoning of Balwinder Dewan and Mukesh Bajaj, because the prosecution wants to produce certain documents of the Company, as the testimony of the witnesses along with record, is essential to bring the true picture before the learned trial Court, as the earlier material star witness Deepak Srivastava, eye witness and Randhir Singh, have since left the company. This Court is of the opinion that summoning of the relevant witnesses cannot be termed to be changing the witnesses, especially when the prosecution has given a rational justification for changing the witnesses.

In view of the above, this Court is of the view that the learned Judicial Magistrate 1st Class, Ludhiana, has rightly allowed the application under Section 311 C.P.C. vide order dated 28.07.2022 and there is no need to interfere by this Court in the matter.

The present petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

26.08.2022
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No