

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

247

CRM-M-53369-2022 (O&M)

Date of Decision: November 17, 2022

Amit Gupta

.....Petitioner(s)

Vs.

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr.Vaibhav Sehgal, Advocate for the petitioner.

Mr. Aditya Kapoor, AAG, Punjab.

Mr. Aayush Gupta, Advocate
for respondents No.2 and 3.

ANOOP CHITKARA J. (ORAL)

Aggrieved by the rejection of a prayer made by Public Prosecutor in the examination of PW-3, to file an application under Section 311 Cr.P.C., the complainant has come up before this Court under Section 482 Cr.P.C.

2. This Court vide order dated 10.10.2022 passed in CRM-43255-2015, filed by both the accused, out of whom accused No.2 is a citizen of Australia and works in Australian Defence Services, this Court had permitted them to surrender and as a consequence, set aside the non-bailable warrants and also expedite the trial.

3. The trial is being conducted and consequently, the statements of all the witnesses were recorded. While recording the statement of PW-3-Amit Gupta, Public Prosecutor requested the trial Court to defer the Examination-in-Chief, so that he can move an application under Section 311 Cr.P.C. and put on record the joint complaint, compromise deed, sale deed, bank statements and pen-drive containing telephonic conversation with accused persons. The trial Court rejected the said prayer by observing that such bank statements can be produced by the witness of prosecution.

4. The accused/respondents's counsel has handed over photocopy of statement of PW-8-Ramesh Gupta. The authenticity of this documents is not disputed by

petitioner's counsel. A perusal of the Examination-in-Chief and also of the aforementioned documents reveal that compromise has already been tendered in evidence as Ex.PW-7/A and signed were also appended as Ex.PW-7/a at point B.

5. The FIR pertains to the year 2013 and it was always available for the prosecution to place entire evidence before the Investigator/Court and file an appropriate application. Even the complainant is active in this case and has followed the proceedings including before this Court. At no point of time, they raised any such objections. Furthermore, given the fact that compromise has already been tendered in evidence, no prejudice has caused to the complainant or prosecution. The objective of Section 311 Cr.P.C. is not to delay the trial, which appears to be the objective of the complainant. No such application i.e. for additional evidence under Section 311 Cr.P.C. was before the trial Court on that point.

6. Accused-respondent No.2-Mahesh works in Australian Defence Services and has to return to join his job. Petitioner' counsel has drawn attention of this Court to the plethora of case laws. There is no violation of Section 311 of Cr.P.C. and no case is made out for interference and is not covered under the scope of Section 311 Cr.P.C.

7. Given above, there is no merit in the petition and the same stands dismissed.

All pending application(s), if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

November 17, 2022
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Whether speaking/reasoned:	Yes/No
Whether reportable:	No