

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39618-2023 (O&M)
Date of decision : 13.09.2023

Ranjit Singh ... Petitioner(s)
Versus
State of Punjab ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ashok Bhardwaj, Advocate for the petitioner.
Mr. Harjinder Singh Sidhu, AAG Punjab.

ALKA SARIN, J. (ORAL)

1. The challenge in the present case is to the dismissal of an application under Section 91 of the Code of Criminal Procedure, 1973 (CrPC) for production of an enquiry file. The said application has been dismissed by the Trial Court vide order dated 21.07.2023 (Annexure P-5) only on the ground that the file can be summoned later as the Commanding Officer, C. Kunal Supreet Grewal, resident of Officer Mess, 105 Engineer Regiment, K-Area, Dhakoli, District SAS Nagar has been mentioned as a witness at Sr. No.5.
2. Learned counsel for the petitioner would contend that the said file is necessary since a parallel enquiry was held by the Army Authorities in which certain statements have been made by the complainant which are in favour of the petitioner and hence the petitioner wants to put the said document to the prosecutrix in her cross-examination.
3. Learned counsel for the State-respondent No.1 has vehemently argued that the application itself is totally bereft of any reasoning. Learned

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State counsel has further argued that the petitioner has to mention in his application as to the reason why the said file is necessary as well as the reason why the said witness should be examined before the examination of the prosecutrix. Learned State counsel has relied upon the judgment of Hon'ble Supreme Court in the case of **Nitya Dharmananda @ K. Lenin & Anr. Vs. Sri Gopal Sheelum Reddy also known as Nithya Bhaktananda & Anr. [2018 (2) SCC 93]**.

4. Heard.

5. In the present case a perusal of the application (Annexure P-3) reveals that that same is totally bereft of any details as to why it would be necessary to summon the said witness along with the file prior to the examination of the prosecutrix. However, keeping in view the submissions made by learned counsel for the petitioner, this Court deems it fit to set aside the order dated 21.07.2023 (Annexure P-5). Accordingly, the impugned order dated 21.07.2023 is set aside while giving liberty to the petitioner to file a fresh application giving complete details as to why summoning of the witness along with the file is necessary. If any such application is filed, the same shall be considered by the Court concerned in accordance with law.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

13.09.2023

Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO