

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-2273-2023 (O&M)
Date of order: 10.10.2023

Rajinder Kumar
... Petitioner(s)
Versus
State of Punjab
...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Surinder Garg, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, D.A.G., Punjab.

ANOOP CHITKARA, J.

Aggrieved by refusal of the trial Court to summon the record, as mentioned in paragraph 2 of the application (Annexure P-2), the petitioner-accused has come up before this Court by filing the present revision petition under Section 401 CrPC.

When this Court scrutinized the application in question, which was filed for summoning the record (Annexure P-2), it transpired that no reasons were mentioned therein. However, petitioner’s counsel submits that in case they disclose the reasons, it would amount to disclosure of defence.

Be that as it may, without disclosing the defence, it was incumbent upon the petitioner to have mentioned the reasons for summoning of such record.

At this stage, petitioner’s counsel submits that he be permitted to file a fresh application with reasons for summoning of record, but without disclosing defence.

Prayer is genuine. Accordingly, the present revision petition is partly allowed to the extent that in case the petitioner files a fresh application mentioning reasons for summoning of such record, the concerned Court shall decide the same without being influenced by its order dated 26.9.2023 and such order shall not come in its way.

(ANOOP CHITKARA)
JUDGE

October 10, 2023
AK

Whether speaking/reasoned : Yes
Whether reportable : No