

IN THE HIGH COURT FOR STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-3201-2015 (O&M)
Date of Decision: 29.03.2023

Kawaljit Singh WaliaPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. R.S.Bains, Senior Advocate, with
Mr. Aman Raj Bawa, Advocate, for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab.

GURVINDER SINGH GILL, J.

1. The petitioner assails order dated 10.08.2015 passed by the learned Additional Sessions Judge, SAS Nagar (Mohali) vide which application dated 06.08.2015 (Annexure P-10) moved by the petitioner (accused) seeking permission to summon 43 witnesses in his defence has been declined.
2. A few facts necessary to notice are that the FIR in question i.e. FIR No.7 dated 01.11.2011, Police Station Vigilance Bureau, Flying Squad-I, Punjab at SAS Nagar (Mohali) under Section 8 of the Prevention of Corruption Act and Sections 420, 467, 471 IPC (Annexure P-1) was lodged at instance of Sukhjot Singh, wherein it has been alleged that he is

running two immigration centres under the names & style of 'Mission Abroad Education Pvt. Limited' and 'Visa Point' at Mohali and Chandigarh respectively. It has been alleged that he used to send students to various countries and also used to facilitate issuance of business visas as well as tourist visas. However, when visas used to be rejected, the same adversely affected his business. The complainant alleged that Kawaljit Singh Walia (petitioner) represented that he could help the complainant in getting visas issued and clearing IELTS, as he had acquaintance in the high offices. Kawaljit Singh Walia (petitioner) is alleged to have demanded an amount of Rs.5 lakhs for getting clearance in respect of IELTS and Rs.8 lakhs for getting visas issued. The complainant alleged that in January, 2011, he paid an amount of Rs.5 lakhs to Kawaljit Singh Walia (petitioner) for the purpose of getting clearance of IELTS in respect of one Vijay Saini, which was got issued by the petitioner. Subsequently, in first week of June, 2011, the complainant requested Kawaljit Singh Walia (petitioner) to get visas issued for Vijay Saini, Daljit Kumar and Aman Kumari and handed over their passports to the petitioner and also an amount of Rs.6 lakhs as advance, but the visas were rejected. When the complainant got the IELTS certificate in respect of Vijay Saini verified, the same was found to be fake. It has, thus, been alleged that the petitioner had cheated the complainant of huge amount.

3. The matter was investigated and challan was presented against the petitioner. After framing of charges, the prosecution led its evidence. Thereafter, statement of the accused in terms of Section 313 Cr.P.C. (Annexure P-2) also stands recorded on 19.12.2014. In the statement recorded in terms of Section 313 Cr.P.C., the petitioner while denying all

the incriminating circumstances against him has raised a defence plea in the shape of his explanation running into 21 pages, wherein various allegations have been leveled against the Police officials and Judicial Officers so as to plead that he has been falsely implicated.

4. Subsequently, the petitioner moved an application dated 27.07.2015 (Annexure P-8) seeking summoning of 34 witnesses, which was dismissed by the trial Court vide order dated 27.07.2015 (Annexure P-9), as the purpose of summoning the witnesses was not mentioned therein. However, the petitioner was granted liberty to file afresh after disclosing the particulars and purpose for summoning of each of the witnesses. Consequently, the petitioner filed another application dated 06.08.2015 (Annexure P-10) seeking permission to summon as many as 43 witnesses, which was also dismissed vide order dated 10.08.2015, which is being assailed by the petitioner by way of filing the instant revision petition.
5. Learned senior counsel appearing on behalf of the petitioner submitted that the impugned order is non-speaking and that no valid reason has been assigned for declining his application. It has been submitted that the petitioner would be seriously prejudiced in case he is not permitted to lead evidence in his defence by way of examining the witnesses in question.
6. Opposing the petition, learned State counsel has submitted that 43 witnesses sought to be examined by the petitioner have no bearing or relevance with the case in hand with regard to the allegations leveled against the petitioner and has been filed simply in order to delay the proceedings of trial and that the impugned order does not merit any interference.

7. This Court has considered rival submissions addressed before it and has also gone through the petition.
8. Having regard to the large number of witnesses sought to be summoned, it shall be apposite to briefly discuss the relevance, if any, of each of the witness sought to be summoned to the case in hand. And to discuss relevance, the allegations leveled against petitioner and his defence plea need to be borne in mind. The allegations as leveled by complainant Sukhjit Singh against the petitioner/accused may be stated briefly as under:

Allegations in brief against the accused/petitioner:

The complainant Sukhjit Singh alleges that the petitioner by representing that he had acquaintances in the high offices and could get IELTS cleared and Visas issued and had thus taken an amount of Rs.5 lakhs and another amount of Rs.6 lakhs, but the Visas were rejected and the IELTS clearance certificate furnished by the petitioner was found to be forged.

9. The pleas raised by petitioner, in his defence in order to rebut the aforesaid allegations, as may be discerned from in his statement recorded under Section 313 Cr.P.C , are stated herein-under:

Defence pleas as culled out from statement of petitioner u/s 313 Cr.P.C:

- (i) The petitioner, who was into catering business under the name & style of 'Commando Caterers' had been engaged by one Rajwinder Kaur for making catering arrangements at the

wedding of her daughter. However, since the function was cancelled, she through her husband who is a police officer, had been pressurizing the petitioner to return the amount deposited in advance, which as per settled terms was non-refundable. It is thus pleaded that Rajwinder Kaur had deposed falsely against the petitioner so as to pressurize him to get back her money.

- (ii) The petitioner and Anil Gaur, the then CJM, Sonipat (now compulsorily retired), had a business deal way-back in the year 2004-05, but the same could not mature due to mischief and greed of Anil Gaur and subsequently Anil Gaur started damaging the business of the petitioner by getting him involved in false and fabricated cases in Delhi using his influence and also of his elder brother Justice Sunil Gaur. When the petitioner was going to expose the misdeeds of Anil Gaur, then he was forced and threatened by Sh. Shiv Kumar, the then SSP, Vigilance Bureau, Punjab at the behest of Sh. Sumedh Singh Saini, the then Director, Vigilance Bureau, Punjab.

10. Since the trial Court, while dismissing the petitioner's first application for summoning 34 witnesses, vide its order dated 27.7.2015 (Annexure P-9), had observed that the petitioner had not specified the purpose for which the witnesses are required to be summoned, the petitioner in his second application (Annexure P-10) to summon 43 defence witnesses has described the purpose for summoning each of the witness, and thus each of the 43 witness is being dealt with individually herein-under:

S. No	Name & Address of Defence Witnesses	Purpose for summoning (as stated in application Annexure P-10)	OBSERVATIONS (being made by this Court)
1.	Concerned Official/Ahlmad of the Hon’ble Court of District & Sessions Judge-cum-Enquiry Officer at Fatehabad along with the Enquiry case file and all the representations in the matter of “REGULAR DEPARTMENTAL ENQUIRY AGAINST SH. ANIL GAUR, THE THEN C.J.(JD), FATEHABAD SINCE RETIRED” Pending for:-24.08.2015	That purpose of this witness is to surface the truth pertaining to the reason that why this false case F.I.R. has been registered against the accused and the record brought by this witness will help this Hon’ble Court for the just decision of this case in the parameters of justice.	The departmental proceedings, if any initiated, against Judicial Officer has nothing to do with allegations made by complainant SUKHJIT SINGH that petitioner had cheated the complainant on the pretext of arranging visas for complainant’s clients. The same would not even advance the case of the petitioner that he was falsely implicated by Sh. Sumedh Singh Saini, the then DGP, Punjab at the behest of Sh. Anil Gaur. The said record would be irrelevant to the case in hand. Prayer qua said witness deserves to be DECLINED.
2.	Concerned Police official from the office of S.P. Fatehabad, Police head quarters Fatehabad along with Record i.e. 2 Applications dated 13-04-2014 & 18-04-2014 containing matter i.e. of “REGULAR DEPARTMENTAL ENQUIRY AGAINST SH. ANIL GAUR THE THEN C.J. (J.D), FATEHABAD SINCE RETIRED” Application for lodging DDR & providing the adequate security for 03-05-2014, to Witness/Applicant due to threat to life and liberty of the Witness/Applicant & his family from Sh. Sumedh Singh Saini (D.G.P. Punjab) at the behest of Justice Sunil Gaur (Delhi High Court) and Anil Gaur in view of letter No.1726/RHC(7) dated 31-03-2014, from OSD (Vigilance), Haryana for Registrar Vigilance (The High Court of Punjab and Haryana at Chandigarh) FOR PROVIDING THE SECURITY. Moved by Kawaljit Singh Walia r/o House no. 523, Sector 36-B, Chandigarh.	That purpose of this witness is to surface the truth pertaining to the reason that even during the Enquiry proceedings at Fathehabad and the trial of this Court the witness/accused was being regularly pressurized by one way or another and this witness will bring the record showing that it was the Hon’ble High Court which took cognizance and provided security through this means.	The purpose for which witness is sought to be summoned can well be achieved by tendering a certified copy of ORDER passed by this Court providing security to the petitioner. Prayer for summoning said witness deserves dismissal, but petitioner is PERMITTED to tender certified copy of above referred document in evidence.

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3.	Concerned Official/Clerk from the HIGH COURT OF DELHI. Along with Complete record file Case No: CRL.REV.P.-918/2006, 37/2007, 43/2007, Status: Pending, Titled “Sumedh Singh Saini Vs. C.B.I.” To be listed in Court 31, on 28-09-2015.	That purpose of this witness is to surface the truth pertaining that Sh. Sumedh Singh Saini has been facing trial at C.B.I. Court at Delhi on the charges under section 364/341/342/343 IPC, and in the said matter he had approached the Delhi High Court through CRLR 918/2006 for the quashing of the same and the said petition was heard by Justice Sunil Gaur, being one of the Bench in the year 2008-09. But in fact both Justice Sunil Gaur and Sh. Sumedh Singh Saini were related to each other as they were college mates and were in same class and department, moreover there roll nos. were in sequence and they had attained similar marks in degree. That as per the settlement between them Sh. Sumedh Singh Saini had initially put undue force and pressure upon the applicant/accused in the year 2008 so as not to expose the illegal activities of Sh. A.D. Gaur in the matter titled “Shashi Kant versus Kawaljit Singh Walia” in New Delhi High Court as the same was got filed by Sh. A.D. Gaur there with false allegations and jurisdiction for getting favour from Justice Sunil Gaur of Delhi High Court.	The fact that Sh. Sumedh Singh Saini, the then DGP, Punjab, has been facing trial in Delhi is again not material either to bring or to disprove the allegations leveled against the petitioner. Consequently, the said witness is also irrelevant. The fact that the DGP is facing some trial would not mean that all the cases registered in the State during his tenure are false cases. Prayer qua said witness deserves to be DECLINED.
4.	Concerned Police Official from the office of Inspector General of Police, Sector 9-D, Chandigarh, Along with complete record i.e. Complaints dated 26-03-2013, 05-04-2013, 29-04-2013, 28-06-2013, 22-07-2013 (D.S.P South & Ins. Kirpal Singh), 04-11-2013 vide Ref. No.PW201313449 and 15-04-2014.	That purpose of this witness is to surface the truth pertaining to the reason that even during the Enquiry proceedings at Fatehabad and the trial of this Court the witness/accused was being regularly pressurized by one way or another and this witness will bring the record showing that the accused was ignored from each and every department due to these High-Ups.	The applications are in respect of departmental inquiry which was being conducted against Sh. Anil Gaur at Fatehabad. The applications sought to be proved had been submitted much after lodging of the present FIR. As such relevance to proposed defence of petitioner is not made out. Prayer qua said witness deserves to be DECLINED.

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5.	Inspector Davinder Singh, Posted at C.I.D. Branch, Sector-9, Chandigarh. Along with the record i.e. Statement of Kawaljit Singh Walia s/o Late Narinder Singh r/o # 523, FF, Sector-36-B, Chandigarh, dated 28-05-2014, with regard to inquiry on the complaint dated 15-04-2014 to the Highest authority of India & others forwarded to you for investigation.	That purpose of this witness is to surface the truth pertaining to the reason that even during the Enquiry proceedings at Fatehabad and the trial of this Court the witness/accused was being regularly pressurized by one way or another and this witness will bring the record showing that the accused was ignored from each and every department due to these High-Ups.	The applications are in respect of departmental inquiry which was being conducted against Sh. Anil Gaur at Fatehabad. The applications sought to be proved had been submitted much after lodging of the present FIR. The statement of petitioner made in said inquiry proceedings, <u>was also recorded much after</u> lodging of present FIR. As such relevance to proposed defence of petitioner is not made out. Prayer qua said witness deserves to be DECLINED.
6.	Inspector Singh, Posted at office of Intelligence Bureau, Sector-19, Chandigarh. Along with the record i.e. Statement of Kawaljit Singh Walia s/o Late Narinder Singh r/o # 523, F.F., Sector-36-B, Chandigarh, with regard to inquiry on the complaint dated 15-04-2014 to the Highest authority of India and others forwarded to you for investigation.	That purpose of this witness is to surface the truth pertaining to the reason that even during the Enquiry proceedings at Fatehabad and the trial of this Court the witness/accused was being regularly pressurized by one way or another and this witness will bring the record showing that the accused was ignored from each and every department due to these High-Ups.	The applications sought to be proved had been submitted much after lodging of the present FIR. The statement of petitioner made in said inquiry proceedings, <u>was also recorded much after</u> lodging of present FIR. As such relevance to proposed defence of petitioner is not made out. Prayer qua said witness deserves to be DECLINED.
7.	Concerned official from the Department of Commissioner, Bureau of Immigration, East Block-VIII, Level-V, Sector-1, R.K. Puram, New Delhi-110066. For bringing the complete record pertaining to:- 1. Passport No. B3854574 valid till 15-10-2011 and K1124791 valid till 18-09-2021 Belonging to Sh. Vijay Saini D.O.B. 20-01-1983 son of Prem Chand r/o V. Sunder Pur PO Palwal District Kurukshetra, Haryana and having Permanent Address 339 VICTORIA RD THORNBURY MELBOURNE VICTOTRIA 3071. (For bringing the complete details available in pretext to leaving and arriving of the said person IN INDIA and the number of	As alleged by the prosecution that the said passport was given to the accused for the purpose of obtaining visa, but as the accused came to know from the father and brother of the candidate Vijay Saini that he was already abroad at that time and when the accused asked them to that can you depose as witnesses in court to this effect they agreed but later on due to pressure of prosecution they refused, so	1. The case of the prosecution is that the complainant had paid an amount of Rs.5 lakhs to petitioner for ensuring clearance of IELTS in respect of Vijay Saini somewhere in the first half of January, 2011. On the other side, the petitioner claims that as a matter of fact Vijay Saini was already abroad during the said period. And that although Vijay Saini was initially willing to depose in his favour, but later due to pressure of prosecution he refused to depose. Since it has been informed by State counsel that Sh. Sumedh Singh Saini, DGP, Sh Anil Gaur CJM and Justice Sunil Gaur who, as per petitioner, had been pressuring witnesses using their

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	times to which countries with complete dates and time)	this department/witness will surface the truth as to whether Vijay Saini was in INDIA at that time or not.	position, have all retired since long, it can safely be said that they will not be able to exercise the powers which they earlier had to pressurize anybody. Thus, ideally, said Vijay Saini, if available, should have been called to disclose the correct status. In any case, since the evidence sought to be led could actually negate the allegations against petitioner, the prayer of the petitioner qua this witness is accepted and it is directed that initially a letter be written to the office concerned by the trial Court, soliciting the requisite information rather than summoning the witness concerned in the first instance. Upon receipt of any information, in case the prosecution genuinely feels the necessity to cross-examine the witness, then the witness be called so as to offer cross-examination otherwise the information as furnished, may be taken on record, unless the Court deems necessary to examine such witness and in which case video conferencing mode be preferred for doing so.
	2. Passport No.G7517494 valid till 24-02-2018 and J7321933 valid till 03-05-2021 Belonging to Sh. Daljeet Kumar D.O.B. 14-03-1981, s/o Kashmiri Lal r/o Vill Bhiwani Khera, Thanesar, Kurukshetra, Sadar Thana Haryana. (For bringing the complete details available in pretext to leaving and arriving of the said person in INDIA and the number of times to which countries with complete dates and time)	That as alleged by the prosecution that Sukhjiti Singh complainant had approached for this candidate Daljeet Kumar for getting visa and later on they had concocted the story that this candidate had left INDIA, but when the accused came to know that this person is in INDIA, initially this person agreed to depose in the court to tell the exact circumstance but due to pressure of prosecution he refused, so this department/witness will surface the truth as to whether Daljeet Kumar is in INDIA or not.	2. This record qua Daljeet Singh be also got produced in the same manner as indicated above in respect of Vijay Saini. Thus prayed qua said witness deserves to be ACCEPTED in the manner indicated above.

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7.	Team Head of I.D.P Education India Pvt. Ltd, 2nd Floor, 61 Chimes, Sector-44, Gurgaon, Haryana, 122003. Along with the record i.e. 1. Emails received from Kawaljit Walia kawaljit.walia@gmail.com to ielts.india@idp.com & vipin.varma@idp.com sent along with three attachments i.e. Representation, Result of IELTS of Vijay Saini candidate date of examination 2011-02-17, copy of passport of Vijay Saini on 05-08-2012 AND email sent on 08-08-2012 AND email sent on 13-08-2012 AND email sent on 14-08-2012, also along with the replies of the emails sent by your office to the above emails dated 08-08-2012 & 14-8-2012. 2. And further for bringing the complete record file pertaining to candidate Vijay Saini having Centre No.IN855, Candidate-I.DB3854574. No.028107 date of Examination 2011-02-17 in respect thereof. 3. And also memorandum for explaining the process and procedure pertaining to the "Examinations and results of IELTS" conducted for the period of February, 2011.	That as the prosecution has alleged and had placed on record the document Mark-D-1 & PW-5/2 to show that the accused had given these said documents to the complainant but in fact it is not at all possible as per the procedure, as the accused had come to know from this institute that no print out of such document can be taken through correspondence, so as to surface the truth this institute/witness will explain the exact process and procedure about the origin of the said document and the illegality and fraud committed by prosecution will come forward.	<i>(P.S: The serial number assigned to this witness i.e. Sr. No. 7 has been assigned to previous witness also)</i> The petitioner seeks to summon the said witness so as to prove that the Institute concerned does not have any procedure to facilitate taking print-outs of the documents, whereas the case of the prosecution is that certain documents had been furnished by the accused. Since this is the precise case of the prosecution that the accused had furnished bogus IELTS certificate, therefore, the procedure for issuance of original document would have nothing to do with the defence of petitioner. It is not the case of petitioner that the certificate in question is a valid document. Prayer qua said witness deserves to be DECLINED.
8.	Mr. Vipin Verma, Branch Manager from the office of, I.D.P Education Pvt. Ltd, SCO 149-150, 2nd Floor, Sector 9-C, Chandigarh. Along with the record i.e. emails received from Kawaljit Walia kawaljit.walia@gmail.com To ielts.india@idp.com & vipin.varma@idp.com sent along with three attachments i.e. Representation, Result of IELTS of Vijay Saini date of examination 2011-02-17, copy of passport of Vijay Saini on 5-08-2012 AND email sent on 08-08-2012 AND email sent on 13-08-2012 AND email sent on 14-08-2012, also along with the replies of the emails sent by your office to the above emails dated 08-08-2012 & 14-08-2012 And further for bringing the complete record pertaining to	That as the prosecution has alleged and had placed on record the document Mark-D-1 & PW-5/2 to show that the accused had given these said documents to the complainant but in fact it is not at all possible as per the procedure, as the accused had come to know from this witness that no print out of such document can be taken through correspondence, so as to surface the truth this witness will explain the exact process and procedure about the origin of the said document and the illegality and fraud committed by prosecution will come forward.	The case of prosecution is that petitioner had taken money for getting cleared IELTS test but the accused had furnished bogus IELTS certificate. The petitioner seeks to summon the said witness so as to prove that the Institute concerned does not have any procedure to facilitate taking print-outs of the documents, whereas the case of the prosecution is that certain documents had been furnished by the accused. Since this is the precise case of the prosecution that the IELTS certificate provided by petitioner/accused was a fake IELTS certificate, therefore, the actual procedure, even if proved for issuance of original

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	candidate Vijay Saini having Centre No.IN855, Candidate I.D B3854574. No.028107 date of Examination 2011-02-17 in respect thereof And also memorandum for explaining the process and procedure. pertaining to the "Examinations and results of IELTS" conducted for the period of February, 2011.		document, would have nothing to do with the defence of petitioner. It is not the case of petitioner that the certificate in question is a valid document. Prayer qua said witness deserves to be DECLINED .
9.	Manager of Chandigarh Club Ltd. Sector-1, Chandigarh. Along with record pertaining to Membership record of Baljit Singh s/o Chaman Lal r/o Mundia Khurd, Chandigarh road, Ludhiana.	That as alleged by the prosecution in the statement of Sukhjot Singh Complainant, he has deposed that he met the accused in Chandigarh Club along with Baljit Singh and he categorically stated that Baljit Singh is the member of Chandigarh Club and this is how they entered the club and met the accused, so this witness will surface the truth as to whether Baljit Singh is member of Chandigarh club or not.	The fact that Baljit Singh was a member of the Chandigarh Club or not is not material inasmuch as a person can visit a Club even as a non member or as a guest. In any case, Baljit Singh is not a star witness of the prosecution nor has been examined by the prosecution so as to justify leading of any evidence to discredit him or to establish his antecedents. Prayer qua said witness deserves to be DECLINED .
10.	Concerned Ahlmad of the Hon'ble Court of Sh. Taran Taran Singh Bindra, A.S.J At Mohali, along with the complete case file of case titled "State v/s Harmander Singh, Baljit Singh @ Choudhary & ors. F.I.R No.15 of 2010 u/s 325, 323, 427, 458, 411, 380, 506 of I.P.C PS Mullanpur" Pending for:- 18-08-2015	That as alleged by the prosecution that Baljit Singh @ Choudhary is the eye witness of this case but they have not examined him despite of getting more than 40 opportunities and even they knew about him and now as the accused had come to know that this person is of criminal background so this witness will surface the truth as to whether any criminal case and of what nature is pending against him or not.	Record is sought to be summoned so as to establish that one Baljit Singh had been facing criminal trial. However, since the prosecution has not examined said Baljit Singh, therefore, no evidence is required to be led to discredit him or to establish his antecedents. Prayer qua said witness deserves to be DECLINED .
11.	Concerned Ahlmad of the Hon'ble Court of Sh. Taran Taran Singh Bindra, A.S.J At Mohali, along with the complete case file of case titled "Kawaljit Singh Walia V/s Karanbir Singh & ors" Criminal Contempt Application Pending for:- 27-08-2015.	That the prosecution has planted passport of one Karanbir Singh which is an exhibited document and the prosecution intentionally got the same released from the court file in-connivance with Karanbir Singh and Rajwinder Kaur witness and the said document was not received back as per the statement given in the Court by the said Karanbir Singh so this witness will show the conduct and high headedness of the prosecution that these persons have no respect and value of courts and law.	The factum of release of Passport of Karanbir Singh under orders of Court would have no relevance with defence plea of petitioner. Prayer qua said witness deserves to be DECLINED .

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12.	Concerned Ahlmad of the Hon'ble Court of Sh. Pradeep Synghal, J.M.I.C At, Chandigarh (U.T), along with the complete case file of case titled "State v/s Baljit Singh @ Choudhary, F.I.R No. 119 of 2014 u/s 25-54-59 of Arms Act PS Sector-36 Chandigarh" Pending for:- 07-09-2015	That as alleged by the prosecution that Baljit Singh @ choudhary is the eye witness of this case but they have not examined him despite of getting more than 40 opportunities and even they knew about him and now as the accused had came to know that this person is of criminal background so this witness will surface the truth as to whether any criminal case and of what nature is pending against him or not.	Record is sought to be summoned so as to establish that one Baljit Singh had been facing criminal trial. However, said Baljit Singh has not been examined as a prosecution witness. Therefore, no evidence is required to be led to discredit him or to establish his antecedents. Prayer qua said witness deserves to be DECLINED.
13.	Concerned Official from the Department of Chief Director Vigilance Bureau Punjab At Chandigarh, Sector-17, Chandigarh, Along with the record i.e. D.D.R Register, Dairy Register, Receipt Register & Dispatch Register containing record proceeds from 20-10-2011 to 2-11-2011.	That purpose of this witness is to surface the truth pertaining to investigation and if the reason is detailed in this then it will hamper the defence of the accused, but the same can be disclosed to the Hon'ble Court in-person and not in front of the prosecution for the sake of justice.	The purpose mentioned for summoning the said witness is rather vague and has not been disclosed on the ground that the same will hamper the defence of the accused. Since the prosecution evidence already stands concluded, the prosecution will not be able to improve its case at this stage in case the defence of the petitioner is disclosed. As such, the reason being vague, the prayer for summoning the said witness deserves to be <u>DECLINED</u>.
14.	Concerned Official from the office Of Punjab State Vigilance Bureau F.S.-1, Mohali, Phase-8, Mohali, Now at back side of FOREST COMPLEX BUILDING, Sector-68, Mohali, Along with the record i.e. 1. D.D.R Register, Dairy Register, Receipt Register & Dispatch Register containing record proceeds from 20-10-2011 to 2-11-2011. 2. Register pertaining to the entries regarding the putting and taking out of the Accused persons behind the BARS (Hawalat) situated at Phase-8, P.S.V.B.F.S.1 at Mohali. From 20-10-2011 to 2-11-2011.	That purpose of this witness is to surface the truth pertaining to investigation and if the reason is detailed in this then it will hamper the defence of the accused, but the same can be disclosed to the Hon'ble Court in-person and not in front of the prosecution for the sake of justice.	The purpose mentioned for summoning the said witness is rather vague and has not been disclosed on the ground that the same will hamper the defence of the accused. Since the prosecution evidence already stands concluded, the prosecution will not be able to improve its case at this stage in case the defence of the petitioner is disclosed. As such, the reason being vague, the prayer for summoning the said witness deserves to be <u>DECLINED</u>.

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15.	Concerned Official from the Office of S.S.P Vigilance Bureau, F.S-2, Punjab At Patiala, Along with the record i.e. D.D.R Register, Dairy Register, Receipt Register & Dispatch Register containing record proceeds from 20-10-2011 to 15-11-2011.	That purpose of this witness is to surface the truth pertaining to investigation and if the reason is detailed in this then it will hamper the defence of the accused, but the same can be disclosed to the Hon'ble Court in-person and not in front of the prosecution for the sake of justice.	The purpose mentioned for summoning the said witness is rather vague and has not been disclosed on the ground that the same will hamper the defence of the accused. Since the prosecution evidence already stands concluded, the prosecution will not be able to improve its case at this stage in case the defence of the petitioner is disclosed. As such, the reason being vague, the prayer for summoning the said witness deserves to be <u>DECLINED</u>.
16.	Concerned Clerk/official from the office of SSP, SAS Nagar. Along with the F.I.R No.175 of 21-10-2011, PS Phase-1, Mohali, against Tejinder Singh and his son Angad Singh, also the representation dated 22-10-2011 & 26-10-2011.	That purpose of this witness is to surface the truth pertaining to planted witness Jagtaran Singh in this case at the instance of Tejinder Singh is for the reason that as initially Tejinder Singh was to be inducted as witness for alleged recovery but due to afterthought as Tejinder Singh had differences with the accused, because Tejinder Singh was used by these High-Ups but as the accused did not bothered to react and called the police, thereafter the petty F.I.R was registered.	The reason furnished by petitioner and the fact that said Tejinder Singh has neither been examined by prosecution nor is sought to be examined by petitioner renders the FIR against Tejinder Singh irrelevant to the present case. As such, the prayer for summoning the said witness deserves to be <u>DECLINED</u>.
17.	Concerned Clerk/official from the office of SSP, SAS Nagar. Along with complaint dated 24-01-2009 made by Gursimran Singh Walia against ASI Punjab Police, Amritsar (9815577157) to SSP, SAS Nagar Vide Dairy No.164/5/SSP/SAS Nagar/27-01-09. Consigned on 26-05-2009 in Complaint Branch.	That purpose of this witness is to surface the truth pertaining to investigation and if the reason is detailed in this then it will hamper the defence of the accused, but the same can be disclosed to the Hon'ble Court in-person and not in front of the prosecution for the sake of justice.	The purpose mentioned for summoning the said witness is rather vague and has not been disclosed on the ground that the same will hamper the defence of the accused. Since the prosecution evidence already stands concluded, the prosecution will not be able to improve its case at this stage in case the defence of the petitioner is disclosed. As such, the reason being vague, the prayer for summoning the said witness deserves to be <u>DECLINED</u>.

S. No	Name & Address of Defence Witnesses	Purpose for summoning (as stated in application Annexure P-10)	OBSERVATIONS (being made by this Court)
18.	Concerned Clerk/official from the office of SSP, SAS Nagar. Along with complaint dated 10-11-2009 made by Rajwinder Kaur against Kawaljit Singh Walia to SSP, SAS Nagar vide Dairy No.307/5/SSP/SAS Nagar/10-11-09. No. & 229/5C/SP/City dated 10-11-2009 Consigned on 17-02-2010 in Complaint Branch.	That purpose of this witness is to surface the truth pertaining to investigation and if the reason is detailed in this then it will hamper the defence of the accused, but the same can be disclosed to the Hon'ble Court in-person and not in front of the prosecution for the sake of justice.	The purpose mentioned for summoning the said witness is rather vague and has not been disclosed on the ground that the same will hamper the defence of the accused. Since the prosecution evidence already stands concluded, the prosecution will not be able to improve its case at this stage in case the defence of the petitioner is disclosed. As such, the reason being vague, the prayer for summoning the said witness deserves to be <u>DECLINED</u> .
19.	Concerned Clerk/official from the office of SSP, SAS Nagar. Along, with complaint dated 11-11-2009 made by Kawaljit Singh Walia against Rajwinder Kaur & SP City SAS Nagar to SSP, SAS Nagar Vide Dairy No.2342/SSP/SAS Nagar/11-11-2009. Consigned on 11-07-2011 in Complaint Branch.	That purpose of this witness is to surface the truth pertaining to investigation and if the reason is detailed in this then it will hamper the defence of the accused, but the same can be disclosed to the Hon'ble Court in-person and not in front of the prosecution for the sake of justice.	The purpose mentioned for summoning the said witness is rather vague and has not been disclosed on the ground that the same will hamper the defence of the accused. Since the prosecution evidence already stands concluded, the prosecution will not be able to improve its case at this stage in case the defence of the petitioner is disclosed. As such, the reason being vague, the prayer for summoning the said witness deserves to be <u>DECLINED</u> .
20.	Concerned Clerk/official from the office of SSP, SAS Nagar. Along with RTI application dated 12-11-2009 moved by Rawaljit Singh Walia for supplying complaint of Rajwinder Kaur Vide Dairy No.1147/RTI/09 & information denied to supplied Vide Dairy No.10207/C/RTI dated 24-11-2009.	That purpose of this witness is to surface the truth pertaining to investigation and if the reason is detailed in this then it will hamper the defence of the accused, but the same can be disclosed to the Hon'ble Court in-person and not in front of the prosecution for the sake of justice.	The purpose mentioned for summoning the said witness is rather vague and has not been disclosed on the ground that the same will hamper the defence of the accused. Since the prosecution evidence already stands concluded, the prosecution will not be able to improve its case at this stage in case the defence of the petitioner is disclosed. As such, the reason being vague, the prayer for summoning the witness deserves to be <u>DECLINED</u> .
21.	Concerned Clerk/official from the office of DSP City-1, SAS Nagar. Along with D.D.R Register, Dairy Register, Receipt Register & Dispatch Register containing record proceeds for year 2009, 2010 & 2011, regarding forwarded complaints received & returned i.e. from & to SP Office & Police Station Matour, Mohali.	That purpose of this witness is to surface the truth pertaining to investigation and if the reason is detailed in this then it will hamper the defence of the accused, but the same can be disclosed to the Hon'ble Court in-person and not in front of the prosecution for the sake of justice.	The purpose mentioned for summoning the said witness is rather vague and has not been disclosed on the ground that the same will hamper the defence of the accused. Since the prosecution evidence already stands concluded, the prosecution will not be able to improve its case at this stage in case the defence of the petitioner is disclosed. As such, the reason being vague, the prayer for summoning the said witness deserves to be <u>DECLINED</u> .

S. No	Name & Address of Defence Witnesses	Purpose for summoning (as stated in application Annexure P-10)	OBSERVATIONS (being made by this Court)
22.	Concerned Clerk/official from the Police Station Matour, SAS Nagar. Along with D.D.R Register, Dairy Register, Receipt Register & Dispatch Register containing record proceeds for year 2009, 2010 & 2011, regarding forwarded complaints received & returned i.e. from & to SSP Office & DSP City-1, Mohali.	That purpose of this witness is to surface the truth pertaining to investigation and if the reason is detailed in this then it will hamper the defence of the accused, but the same can be disclosed to the Hon'ble Court in-person and not in front of the prosecution for the sake of justice.	The purpose mentioned for summoning the said witness is rather vague and has not been disclosed on the ground that the same will hamper the defence of the accused. Since the prosecution evidence already stands concluded, the prosecution will not be able to improve its case at this stage in case the defence of the petitioner is disclosed. As such, the reason being vague, the prayer for summoning the said witness deserves to be <u>DECLINED</u>.
23.	Insp. Inderpal Singh, posted at Head Quarter, Vigilance Bureau Punjab At Chandigarh, Sector-17, Chandigarh.	That purpose of this witness is to surface the truth pertaining to investigation and if the reason is detailed in this then it will hamper the defence of the accused, but the same can be disclosed to the Hon'ble Court in-person and not in front of the prosecution for the sake of justice.	The purpose mentioned for summoning the said witness is rather vague and has not been disclosed on the ground that the same will hamper the defence of the accused. Since the prosecution evidence already stands concluded, the prosecution will not be able to improve its case at this stage in case the defence of the petitioner is disclosed. As such, the reason being vague, the prayer for summoning the said witness deserves to be <u>DECLINED</u>.
24.	S.I. Harminder Singh, posted at V.B.-F.S.-2, Patiala in the month November, 2011, through Office of I.G. Head Quarter, Punjab Police, sector -9-A Chandigarh.	That purpose of this witness is to surface the truth pertaining to investigation and thereafter this witness has also admitted to the fact that the accused has been falsely implicated in this case and this fact has been recorded in the Mobile and same has to be confronted with and moreover when the accused was remanded in the judicial custody by duty Magistrate in Rajindra hospital even then vigilance officials were deputed he this witness was one of them.	The petitioner asserts that the said witness, who is a police officer, posted in Vigilance Bureau, admits that the petitioner has been falsely implicated. Keeping in view, the aforesaid assertion, the witness needs to be summoned to verify the veracity of assertion of petitioner. As such, the prayer for summoning the said witness deserves to be ACCEPTED. Since the petitioner has also referred to some audio recording with which the witness is to be confronted, needless to mention any such electronic evidence will be required to be proved strictly in accordance of rules of evidence, including provisions of section 65-A of the Evidence Act. It shall always be open to trial Court to suo-moto call for any evidence, if deemed necessary

S. No	Name & Address of Defence Witnesses	Purpose for summoning (as stated in application Annexure P-10)	OBSERVATIONS (being made by this Court)
25.	A.S.I Gurmeet Singh, B. No.7/66, Posted at V.B.F.S.-1, Sector 68, Mohali	That purpose of this witness is to surface the truth pertaining to investigation and if the reason is detailed in this then it will hamper the defence of the accused, but the same can be disclosed to the Hon'ble Court in-person and not in front of the prosecution for the sake of justice.	The purpose mentioned for summoning the said witness is rather vague and has not been disclosed on the ground that the same will hamper the defence of the accused. Since the prosecution evidence already stands concluded, the prosecution will not be able to improve its case at this stage in case the defence of the petitioner is disclosed. As such, the reason being vague, the prayer for summoning the said witness deserves to be <u>DECLINED</u>.
26.	H.C. Rajneesh Kaushal, B. No.80/1045, posted at V.B.-F.S.-2, Patiala.	That purpose of this witness is to surface the truth pertaining to investigation and if the reason is detailed in this then it will hamper the defence of the accused, but the same can be disclosed to the Hon'ble Court in-person and not in front of the prosecution for the sake of justice	The purpose mentioned for summoning the said witness is rather vague and has not been disclosed on the ground that the same will hamper the defence of the accused. Since the prosecution evidence already stands concluded, the prosecution will not be able to improve its case at this stage in case the defence of the petitioner is disclosed. As such, the reason being vague, the prayer for summoning the said witness deserves to be <u>DECLINED</u>.
27.	H.C. Harminder Singh, posted at V.B.-F.S.-1, Sector 68, Mohali.	That purpose of this witness is to surface the truth pertaining to investigation and thereafter this witness has also admitted to the fact that the accused has been falsely implicated in this case and this fact has been recorded in the C.C.T.V footage with voice and same has to be confronted with.	<i>(Though this witness appears to be same as cited at Sr.No.24, but the reason/purpose as mentioned herein is being considered)</i> The petitioner asserts that the said witness, who is a police officer, posted in Vigilance Bureau, admitted that the petitioner has been falsely implicated and that the said fact has been recorded in the CCTV footage with voice. Keeping in view, the aforesaid assertions, the witness needs to be summoned to verify the veracity of said assertions of petitioner. As such, the prayer for summoning the said witness deserves to be ACCEPTED. Since the petitioner has referred to some CCTV footage with which the witness is to be confronted, needless to mention any such electronic evidence will be required to be proved strictly in accordance of rules of evidence, including provisions of S. 65-A of the Evidence Act.

S. No	Name & Address of Defence Witnesses	Purpose for summoning (as stated in application Annexure P-10)	OBSERVATIONS (being made by this Court)
28.	H.C. Sukhpal Singh, posted at P.S., C.I.A staff at Kharar.	That purpose of this witness is to surface the truth pertaining to investigation and thereafter this witness has also admitted to the fact that the accused has been falsely implicated in this case and this fact has been recorded in the C.C.T.V footage with voice and same has to be confronted with.	The petitioner asserts that the said witness, who is a police officer, posted in CIA Staff, Kharar, admitted that the petitioner has been falsely implicated and that the said fact has been recorded in the CCTV footage with voice. Keeping in view, the aforesaid assertions, the witness needs to be summoned to verify the veracity of said assertions of petitioner. As such, the prayer for summoning the said witness deserves to be ACCEPTED. Since the petitioner has referred to some CCTV footage with which the witness is to be confronted, needless to mention any such electronic evidence will be required to be proved strictly in accordance of rules of evidence, including provisions of section 65-A of the Evidence Act.
29.	H.C. Sawarn Singh Posted at P.C.R, Mohali.	That purpose of this witness is to surface the truth pertaining as this witness has admitted to the fact that the accused has been kidnapped and later on came to know that Vigilance officials had picked up the accused from his house at around 4:00 P.M on 01-11-2011 and this fact has been recorded in the C.C.T.V footage with voice and same has to be confronted with.	The petitioner asserts that the said witness, who is a police official, admitted that the petitioner had been kidnapped by Vigilance officials from his house on 1.11.2011 at 4 PM and that the said fact has been recorded in the CCTV footage with voice. Keeping in view, the aforesaid assertions, the witness needs to be summoned to verify the veracity of said assertions of petitioner. As such, the prayer for summoning the said witness deserves to be ACCEPTED. Since the petitioner has referred to some CCTV footage with which the witness is to be confronted, needless to mention any such electronic evidence will be required to be proved strictly in accordance of rules of evidence, including provisions of section 65-A of the Evidence Act.

S. No	Name & Address of Defence Witnesses	Purpose for summoning (as stated in application Annexure P-10)	OBSERVATIONS (being made by this Court)
30.	Constable Baljeet Singh, Posted at P.C.R, Mohali.	That purpose of this witness is to surface the truth pertaining as this witness has admitted to the fact that the accused has been kidnapped and later on came to know that Vigilance officials had picked up the accused from his house at around 4:00 P.M on 01-11-2011 and this fact has been recorded in the C.C.T.V footage with voice and same has to be confronted with.	The petitioner asserts that the said witness, who is a police official, admitted that the petitioner had been kidnapped by Vigilance officials from his house on 1.11.2011 at 4 PM and that the said fact has been recorded in the CCTV footage with voice. Keeping in view, the aforesaid assertions, the witness needs to be summoned to verify the veracity of said assertions of petitioner. As such, the prayer for summoning the said witness deserves to be ACCEPTED. Since the petitioner has referred to some CCTV footage with which the witness is to be confronted, needless to mention any such electronic evidence will be required to be proved strictly in accordance of rules of evidence, including provisions of S. 65-A of the Evidence Act.
31.	Sh. Harmohinder Singh R/O House No.841, Phase-3 B-1, Mohali.	That purpose of this witness is to surface the truth pertaining to investigation and if the reason is detailed in this then it will hamper the defence of the accused, but the same can be disclosed to the Hon'ble Court in-person and not in front of the prosecution for the sake of justice.	The purpose mentioned for summoning the said witness is rather vague and has not been disclosed on the ground that the same will hamper the defence of the accused. Since the prosecution evidence already stands concluded, the prosecution will not be able to improve its case at this stage in case the defence of the petitioner is disclosed. As such, the reason being vague, the prayer for summoning the said witness deserves to be DECLINED.
32.	Sh. Mandeep Singh Gill, R/O House No.2129, Phase-7, Mohali.	That purpose of this witness is to surface the truth and if the reason is detailed in this then it will hamper the defence of the accused, but the same can be disclosed to the Hon'ble Court in-person and not in front of the prosecution for the sake of justice.	The purpose mentioned for summoning the said witness is rather vague and has not been disclosed on the ground that the same will hamper the defence of the accused. Since the prosecution evidence already stands concluded, the prosecution will not be able to improve its case at this stage in case the defence of the petitioner is disclosed. As such, the reason being vague, the prayer for summoning the said witness deserves to be DECLINED.

S. No	Name & Address of Defence Witnesses	Purpose for summoning (as stated in application Annexure P-10)	OBSERVATIONS (being made by this Court)
33.	Sh. Hardeep Singh S/o Lt. Sr. Omkar Singh r/o Vill. Mainuan, PO Wadala 138/15 Kalan, Disst. Kapurthala.	That purpose of this witness is to surface the truth and if the reason is detailed in this then it will hamper the defence of the accused, but the same can be disclosed to the Hon'ble Court in-person and not in front of the prosecution for the sake of justice.	The purpose mentioned for summoning the said witness is rather vague and has not been disclosed on the ground that the same will hamper the defence of the accused. Since the prosecution evidence already stands concluded, the prosecution will not be able to improve its case at this stage in case the defence of the petitioner is disclosed. As such, the reason being vague, the prayer for summoning the said witness deserves to be <u>DECLINED</u>.
34.	Concerned person/clerk from the office of Danik Bhaskar, 11/12, Dakshin Marg, Sector 25-D, Chandigarh. Along with the Complete set of News Paper published in HINDI of 02-11-2011. (Pertaining to news item "Commando Caterers Ka Maalik Girafarr kiya").	That purpose of this witness is to surface the truth as in the said news inference could be drawn that the Accused was being apprehended as alleged but in truth Accused was kidnapped from the house and house search was conducted till late.	The petitioner seeks to summon some official from the office of Dainik Bhaskar so as to prove its publication dated 02.11.2011 to support his contention as regard his kidnapping. However, it is well settled that a news item would not carry any presumption of truth and thus, it would be of no help to the petitioner. As such, the prayer for summoning the said witness deserves to be <u>DECLINED</u>.
35.	Concerned person/clerk from the office of Hindustan Times, No. 164-C & 165, Phase-8-B, Industrial Area, Mohali. Along with the Complete set of News Paper published in ENGLISH of 02-11-2011. (Pertaining to news item "Commando Caterers' owner held for graft").	That purpose of this witness is to surface the truth as in the said news inference could be drawn that the Accused was being apprehended as alleged but in truth Accused was kidnapped from the house and house search was conducted till late.	The petitioner seeks to summon some official from the office of Hindustan Times so as to prove its publication dated 02.11.2011 to support his contention as regard his kidnapping. However, it is well settled that a news item would not carry any presumption of truth and thus, it would be of no help to the petitioner. As such, the prayer for summoning the said witness deserves to be <u>DECLINED</u>.
36.	Mrs. Lakshmi Mittal (C.A.), R/o # 21, Sector-71, Mohali.	That purpose of this witness is to surface the truth as this witness had prepared and audited the balance sheets/I.T.R pertaining to accused and his company and the same are in the court file which are to be put to this witness.	Since the complainant alleges that petitioner had taken amount for issuance of Visas and for clearance of IELTS exam, whereas one of the defence pleas of petitioner is that PW Rajwinder had deposited advance amount with him for hiring Catering services, the witness in question who is CA of petitioner would be relevant. As such, the prayer for summoning the said witness deserves to be <u>ACCEPTED</u>.

S. No	Name & Address of Defence Witnesses	Purpose for summoning (as stated in application Annexure P-10)	OBSERVATIONS (being made by this Court)
37.	Concerned clerk/ official from the office of Deputy Director Of Income Tax (Inv)-II, Chandigarh, Aayakar Bhawan, Sector-2, Panchkula. Along with complaint and complete record F.No: DDIT/Inv-II/Chd/X-18/2015-16/524 concerning Sh. Kawaljit Singh Walia (In matter of Summons to Assesses/Witnesses under Section 131 of Income Tax Act, 1961)	That purpose of this witness is to surface the truth as the said witness will come and produce those documents which were Exhibited in this Hon'ble Court for the first time in June 2015 and the copy of the same was supplied to the prosecution which was misused through making an Anonymous Complaint against the accused in the said department by twisting and fabricating facts and the documents.	The reasons put-forth to summon the said witness does not pertain to any fact relating to the present case and rather are in respect of an alleged anonymous complaint against the accused in the Income Tax Department. The witness is not relevant to the case. As such, the prayer for summoning the said witness deserves to be <u>DECLINED</u>.
38.	Dr. Vandana Pandove D/o Sh. Som Prakash Pandove r/o # 12, Jagdish Asharam Lane, near Rajindra Hospital, at Patiala. Also posted at Civil Dispensary Kalanour, near post office, Tehsil & Distt. Gurdaspur.	That purpose of this witness is to surface the truth pertaining to investigation and if the reason is detailed in this then it will hamper the defence of the accused, but the same can be disclosed to the Hon'ble Court in-person and not in front of the prosecution for the sake of justice.	The purpose mentioned for summoning the said witness is rather vague and has not been disclosed on the ground that the same will hamper the defence of the accused. Since the prosecution evidence already stands concluded, the prosecution will not be able to improve its case at this stage in case the defence of the petitioner is disclosed. As such, the reason being vague, the prayer for summoning the said witness deserves to be <u>DECLINED</u>.
39.	Concerned Clerk/official from the B.S.N.L Building Sector-49, Chandigarh. Along with Customer Name/Address of Mobile No. 9417260604 & since December 2008.	That purpose of this witness is to surface the truth pertaining to documents exhibited by the accused in his own evidence which will prove the case of defence, as these numbers belongs to Sant Singh the then D.S.P, V.B Mohali	The petitioner seeks to lead evidence as regards the identity of the subscriber in respect of Mobile No.9417260604, which is stated to be of Sant Singh, the then DSP, Vigilance Bureau, Mohali. However, it is nowhere mentioned as to why the said subscribership is required to be established. The petitioner not having shown any link between the said evidence and the defence plea, the prayer for summoning the said witness deserves to be <u>DECLINED</u>.

S. No	Name & Address of Defence Witnesses	Purpose for summoning (as stated in application Annexure P-10)	OBSERVATIONS (being made by this Court)
40.	Concerned Clerk/official from the B.S.N.L Building Sector-34, Chandigarh. Along with Customer Name/Address of Landline No.01722704116 and 01722548888 since December 2008.	That purpose of this witness is to surface the truth pertaining to documents exhibited by the accused in his own evidence which will prove the case of defence, as these numbers belongs to Sumedh Singh Saini of his office and residence of the then Chief Director Vigilance.	The petitioner seeks to lead evidence as regards the identity of the subscriber in respect of Landline Nos.01722704116 and 01722548888, which are stated to be official and residential numbers of Sh. Sumedh Singh Saini, the then Chief Director Vigilance. However, it is nowhere mentioned as to why the said subscribership is required to be established. The petitioner not having shown any link between the said evidence and the defence plea, the prayer for summoning the said witness deserves to be <u>DECLINED</u>.
41.	Concerned Clerk/official from the Bharti Airtel office, I.T Park, Chandigarh. Along with Customer Name/Address of Mobile No.9815800059 & 9878139241 & since December 2008.	That purpose of this witness is to surface the truth pertaining to documents exhibited by the accused in his own evidence which will prove the case of defence, as these numbers belongs to Shiv Kumar.	The petitioner seeks to lead evidence as regards the identity of the subscriber in respect of Mobile Nos.9815800059 & 9878139241, which are stated to be in the name of one Shiv Kumar. However, it is nowhere mentioned as to why the said subscribership is required to be established. The petitioner not having shown any link between the said evidence and the defence plea, the prayer for summoning the said witness deserves to be <u>DECLINED</u>.
42.	Concerned Clerk/official from the IDEA cellular ltd., C-105, Industrial area, Phase-7., Mohali. Along with Customer Name/Address of Mobile No. 9814300083 & 9814688839 since December 2008.	That purpose of this witness is to surface the truth pertaining to documents exhibited by the accused in his own evidence which will prove the case of defence, as these numbers belongs to Shiv Kumar & Sumedh Singh Saini.	The petitioner seeks to lead evidence as regards the identity of the subscriber in respect of Mobile Nos.9814300083 & 9814688839, which are stated to be in the names of Shiv Kumar and Sumedh Singh Saini. However, it is nowhere mentioned as to why the said subscribership is required to be established. The petitioner not having shown any link between the said evidence and the defence plea, the prayer for summoning the said witness deserves to be <u>DECLINED</u>.

S. No	Name & Address of Defence Witnesses	Purpose for summoning (as stated in application Annexure P-10)	OBSERVATIONS (being made by this Court)
43.	Concerned Clerk/official from the Vodafone Plot No. C-131, ELTOP Industrial Area Phase - VIII, Mohali 160071, Mohali. Along with Customer Name/Address of Mobile 09888540909 & since December 2008.	That purpose of this witness is to surface the truth pertaining to investigation and if the reason is detailed in this then it will hamper the defence of the accused, but the same can be disclosed to the Hon'ble Court in-person and not in front of the prosecution for the sake of justice.	The purpose mentioned for summoning the said witness is rather vague and has not been disclosed on the ground that the same will hamper the defence of the accused. Since the prosecution evidence already stands concluded, the prosecution will not be able to improve its case at this stage in case the defence of the petitioner is disclosed. As such, the reason being vague, the prayer for summoning the said witness deserves to be DECLINED.

11. In view of the observations recorded above qua each of the witnesses, this Court finds that prayer of the petitioner to summon witnesses in his defence deserves to be allowed qua the following witnesses to the extent and manner indicated above:

Serial Number in List of DWs. (As assigned in application dated 06.08.2015 (Annexure P-10))	Name and Particulars of Witness (As mentioned in application dated 6.8.2015 Annexure P-10)
2	Concerned police official from the office of Superintendent of Police, Fatehabad.....
7	Concerned official from the office of Commissioner, Bureau of Immigration.....
24	SI Harminder Singh, then posted at V.B. – F.S.-2, Patiala
27	HC Harminder Singh, then posted at V.B. – F.S.-1, Sector-68, Mohali
28	HC sukhpal Singh, then posted at P.S. CIA Staff, Kharar
29	HC Sawarn Singh, then posted at PCR, Mohali
30	Constable Baljeet Singh, then posted at PCR, Mohali
36	Mrs. Lakshmi Mittal, CA

12. Accordingly, the impugned order is set aside and application dated 06.08.2015 (Annexure P-10) is partly allowed to the extent of summoning the above mentioned 8 witnesses in defence of accused/petitioner. The prayer qua the remaining witnesses is declined.

13. The following directions are also being issued in context of the matter in hand:

- (i) The witnesses shall be examined to the extent and in the manner indicated above, wherever the same has been specified;
- (ii) Any electronic evidence sought to be led will be required to be proved, strictly in accordance with rules of evidence including provisions of Section 65-A of the Evidence Act;
- (iii) It shall always be open to trial Court to suo-moto call for any evidence, if deemed necessary;
- (iv) Although it is the duty of the petitioner to furnish complete addresses of the witnesses, but since several witnesses are official witnesses/police officials, who may have been transferred or retired in the interregnum, the SSP Chandigarh is requested to get the needful done for finding out latest correct addresses of the official witnesses so that their presence is secured at the earliest. The trial Court may take up the matter with SSP Chandigarh, whenever required.
- (v) The trial Court to take all necessary steps for securing the presence of the witnesses concerned at the earliest and fix short dates. Casual requests for adjournment be not entertained.
- (vi) If securing physical presence of witness is found to be time consuming, the trial Court shall consider the feasibility of recording evidence by way of video conferencing.

14. The petition stands partly accepted to the extent indicated above.

29.03.2023

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No