



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

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CRM-M-12050-2022

Date of Decision : **July 29, 2024**

SUMAN

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Tajpal Dhull, Advocate
for the petitioner.

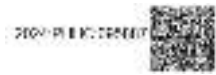
Mr. Bhupinder Singh, D.A.G., Haryana.

Mr. Nikkil Vats, Advocate for
Mr. Vikas Lochab, Advocate
for respondent No.2.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition, challenge is thrown to the order dated 19.10.2021 (Annexure P-2), whereby, the learned trial Court concerned declined the application of the accused for summoning of three witnesses alongwith recorded as defence witnesses. The order (supra) was further challenged by filing a criminal revision, which was also dismissed vide order dated 15.3.2022. Both these orders are under challenge before this Court.

2. What surfaced on study survey of the instant petition as well as the impugned orders is that the petitioner, who is facing trial in case FIR No.58 dated 26.2.2016 under Sections 419, 420, 467, 468, 471 IPC, registered at Police Station Nangal Choudhary, at the stage of defence evidence, filed an application seeking summoning of witnesses, namely, Pradeep Kumar



Tripathi, Head Master, Parbhakar Tripathi, Principal and one EASI Jaswant Singh alongwith record as defence witnesses. It is also apt to note here that all three witnesses have been cited by the prosecution and were given up as unnecessary. The learned trial Court concerned has dismissed the above application on the ground that it is a delayed tactic on the part of the petitioner-accused as none of the three witnesses were relevant to the dispute in question.

3. This Court has considered the submissions made by the learned counsel for the parties concerned.

4. It is transpired from the record that the petitioner wanted to summon Pradeep Kumar Tripathi and Parbhakar Tripathi, and to bring on record the education certificate pertaining to class VI, VII and VIII, whereas, the allegations against the petitioner are that, she furnished false and fabricated documents of class 10th for contesting election of Zila Parishad.

5. Learned counsel for the petitioner is unable to point out any relevancy of these two witnesses in proving that she is 8th pass, as this would not throw any right with regard to the certificate/marksheet, which is alleged to be a fabricated one.

6. Learned counsel for the petitioner submits that he may be allowed to examine only EASI Jaswant Singh, who has earlier conducted a detailed enquiry and found the petitioner's matric certificate genuine, who was cited as a prosecution witness but deliberately did not examine by the prosecution.



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7. Be that as it may, this Court has considered the submissions made by the learned counsel for the petitioner.

8. Since the learned counsel for the petitioner has restricted his prayer only with regard to the summoning of EASI Jaswant Singh as defence witness, which in the opinion of this Court is relevant, therefore, the impugned orders dated 19.10.2021 (Annexure P-2) and dated 15.3.2022 (Annexure P-4) are set-aside, with a direction to the learned trial Court concerned to summon EASI Jaswant Singh as a defence witness and, thereupon sufficient opportunity be granted to the parties coEASI Jaswant Singh

9. In view of the above, the instant petition is **disposed** of with the above directions.

July 29, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No