

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

CRM-M-19825-2024

Decided on: 24.04.2024

Ramandeep Singh

.... Petitioner

versus

State of Punjab & others

.... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Malkiat S. Hundal, Advocate
 for the petitioner.

Manjari Nehru Kaul, J. (Oral)

Instant petition has been filed under Section 482 Cr.PC for setting aside the impugned order dated 04.04.2024 (Annexure P-7) passed by Addl. Sessions Judge, Ludhiana vide which his application under Section 311 Cr.PC for examining one Neurologist along with the discharge summary of his and his brother had been declined by the trial Court.

2. Learned counsel for the petitioner has asserted that no doubt, a doctor was indeed examined, who had medico-legally examined the petitioner, however, it is a matter of record that the petitioner as well as his brother had been referred for Neuro consultancy. Learned counsel submits that the examination of the Neuro consultant along with the discharge summary of the petitioner would be of paramount importance so as to arrive at a just decision by the trial Court, else the petitioner would suffer the grave injustice.

3. Heard learned counsel for the petitioner and perused the relevant material available on record.

4. A perusal of the material on record reveals, and has not been disputed by the learned counsel for the petitioner that firstly, the case is at the final stage i.e. at the stage of arguments; secondly, the petitioner was well aware after the challan was presented that the Neuro consultant had not been cited as a witness, hence, it cannot be digested that it was only at such a belated stage, he learnt about the Neuro consultant not being cited as a witness. Thirdly, admittedly and not disputed by the learned counsel for the petitioner, prior to the filing of the application under Section 311 Cr.PC on 06.03.2024, the petitioner had moved two other applications under Section 311 Cr.PC wherein he had sought adducing some additional evidence, which had been allowed by the trial Court. However, strangely, the petitioner did not bother to seek the examination of the Neuro consultant as well as summoning the discharge summary of the petitioner while filing the earlier applications under Section 311 Cr.PC.

5. In the circumstances, this Court has no hesitation that the petitioner is just employing dilatory tactics. Accordingly, the present petition being devoid of any merit stands dismissed and the impugned order thus, does not warrant any interference.

6. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

24.04.2024
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/non-speaking?
Whether reportable?

Yes/No
Yes/No