

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

245

CRR-1068-2022 (O&M)

Date of Decision: 24.04.2024

Ankit

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sumit, Advocate, for
Mr. G.S. Sandhu, Advocate
for the petitioner.

Mr. G.S. Dhillon, AAG, Haryana.

Mr. Parminder Singh, Advocate
for respondent No.4.

SANDEEP MOUDGIL, J (ORAL)

1. The instant revision petition has been filed against the order dated 07.03.2022 passed by the Judicial Magistrate Ist Class, Karnal vide which application under Section 311 read with Section 91 of the Code of Criminal Procedure to examine Dr. Ravinder Kumar, the then DSP has been declined.

2. The application under Section 311 was partly declined *qua* DSP Dr. Ravinder Kumar, HPS on the surmise by Judicial Magistrate Ist Class, Karnal observing that there is no reference in the final report under Section 173 Cr.P.C. by the prosecution *qua* the enquiry questioned by the petitioner and to prove the said enquiry report summoning of Dr. Ravinder Kumar, DSP.

3. The aforesaid reasoning given by the trial Court is unfounded and against the reward inasmuch as there is an enquiry conducted by the said official namely, Dr. Ravinder Kumar, DSP i.e. before this Court

(Annexure P-1) but the same is not part of the challan would not mean that it cannot be relied upon by the petitioner if the prejudice has been caused to him by withholding of that report of enquiry conducted by the official concerned.

4. In the light of above, the petition is allowed. However, he is bound down to complete the examination of Dr. Ravinder Kumar, Deputy Superintendent of Police, HPS only on one date which would be the sole opportunity to do the needful.
5. It is directed that necessary summons to the witness sought to be examined be issued by the trial Court on the next date of hearing fixed before it subject to payment of Rs.5,000/- as costs to be paid to the District Legal Services Authority, Karnal by the petitioner on that account.
6. With the aforesaid observations, the revision petition stands disposed of.

24.04.2024

D.Bansal

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No