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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.33500 of 2024(O&M)

Date of Decision: 20.08.2024

Salinder

... Petitioner

Versus

State of Haryana and Another

... Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Parminder Singh, Advocate for the petitioner.

Mr. Ashish Bishnoi, DAG, Haryana.

ANOOP CHITKARA, J.

Seeking quashing of order dated 02.07.2024 whereby application filed under Section 311 Cr.P.C. by the petitioner was partly allowed and trial Court denied the examination of Dr. Chirag whose name was mentioned in the witness list, the complainant has come up before this Court under Section 482 Cr.P.C.

2. A perusal of application filed under Section 311 Cr.P.C. does not explicitly mention the name of Dr. Chirag as a witness to be examined. However, there is a reference in the prayer clause that any other witnesses in the list of witnesses be also examined which appears cryptic. As such, there is no fault in the impugned order dated 02.07.2024.

3. Given above, the present petition is disposed of, however, liberty reserved to the petitioner to file fresh application under Section 311 Cr.P.C. mentioning the reasons that why initially the name of Dr. Chirag was not mentioned and secondly, why his cross examination is necessary for final adjudication of trial. It is clarified that such application be filed on or before 31.08.2024 failing which the permission regarding filing of subsequent application under Section 311 Cr.P.C. shall stand recalled automatically under Section 528 read with Section 403 BNSS, without any reference to this Court. All pending application(s), if any, stand disposed of.

**(ANOOP CHITKARA)
JUDGE****20.08.2024**

Sonia Puri

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No.