

CRM-M-648-2025 (O & M)

2025:PHHC:118833



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(269)

CRM-M-648-2025 (O & M)

Date of decision: 02.09.2025

Gurpal Singh alias Bali

..... Petitioner(s)

V/s

State of Punjab and ors.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vipin Kumar Sharma, Advocate, for the petitioner.

Mr. M.S. Toor, AAG, Punjab.

Mr. Sachin Kalia, Advocate,
for respondents No.2 and 3.

JASJIT SINGH BEDI, J. (Oral)

CRM-21498-2025

This is an application for correcting the date of impugned order in the head note, prayer clause and the body of the petition as inadvertently, the same has been mentioned as '09.11.2024' due to misprint instead of '19.11.2024'.

For the reasons mentioned in the application, the same is allowed. Let the date of the impugned order be read as '19.11.2024' instead of '09.11.2024' in the head note, prayer clause as well as in the body of the petition.

This application stands disposed of.



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CRM-M-648-2025

The prayer in the present petition under Section 528 BNSS, 2023 is for setting aside the order dated 19.11.2024 (P4) passed by Judicial Magistrate Ist Class, Jalandhar in FIR No.08 dated 25.01.2021 under Sections 323, 324, 148 and 149 IPC Sections 326, 34 IPC (added later on), registered at Police Station Basti Bawa Khel, District Police Commissionerate Jalandhar (P-1) whereby an application under Section 311 Cr.P.C. for re-examination of PW-3/Dr. Sachin Sharma, has been dismissed.

2. The learned counsel for the petitioner-complainant contends that during the course of examination of PW-3/Dr. Sachin Sharma, inadvertently, only one MLR each of Amarjit Kaur and Gurpal Singh was exhibited. However, the medico legal examination of each of these witnesses took place twice. Therefore, both the MLRs ought to have been exhibited. The cross-examination, however, of the said doctor runs counter to the material available on record, as per which there were four MLRs of Gurpal Singh and Amarjit Kaur. In order to clarify the said position, the re-examination of Dr. Sachin Sharma is essential.

3. The learned counsel for respondents No.2 and 3, on the other hand, contends that the cross-examination of PW-3/Dr. Sachin Sharma is clear inasmuch as he has categorically stated that he had conducted the medico legal examination of Gurpal Singh and Amarjit Kaur only once each.

4. I have heard the learned counsel for the parties.

5. As per Section 311 Cr.P.C., for the just decision of the case, any person can be examined, recalled or re-examined.



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6. In the instant case, from the record it appears that both Gurpal Singh and Amarjit Kaur were medico legally examined twice over, though, for the reason best known to Dr. Sachin Sharma (PW-3) he has, in his cross-examination stated that he has examined them only one time each. In order to clarify the aforementioned statement in cross-examination of PW-3/Dr. Sachin Sharma, he be recalled and re-examined by the Trial Court within a period of 04 weeks from the next date of hearing fixed before it.

7. The present petition stands disposed of.

8. The pending application(s), if any, shall stand disposed of accordingly.

September 02, 2025
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No