



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

126

CRM-M-2919-2025
Decided on : 27.01.2025

Pawan Saini

... Petitioner(s)

Versus

State of Haryana and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Kamal Chaudhary, Advocate
for the petitioner(s).

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. Present quashing petition has been filed by the petitioner, for seeking quashing of order dated 02.12.2024 (Annexure P-4), whereby, application filed by the petitioner under Section 311 of Cr.P.C., for examination of additional evidence, has been dismissed.

2. The case of the complainant (petitioner herein) is that in the statement recorded under Section 263(g) of Cr.P.C., of the accused, some wrong information has been given and has thus, misled the Court. Therefore, complainant/petitioner wants to file additional documents like; GST number/certificates etc., which admittedly, was never the case of the complainant in his original complaint. The question arises before this Court is whether on such basis, complainant has any *locus* to file an application for leading evidence after the defense being disclosed by the accused.

3. In the case in hand, application has been moved by the complainant when the proceedings were fixed for final arguments.



Obviously, at that stage, the accused had disclosed his defense. Even if not, complainant cannot be allowed to improve his version, which has been put by him through his criminal complaint. Moreover, allowing such prayer at such a stage, would prejudice the case of the accused.

4. The observation made in paragraph No.5 of the impugned order dated 02.12.2024 (Annexure P-4), is reproduced here-under:-

“5. After considering Section 311 Cr.P.C., the court has come to the conclusion that an application under Section 311 can be moved at any stage but for that it is required for the applicant to prove that such an application is necessary for just and to arrive at the right decision and it is in the interest of justice. Now come to the present complaint, where the present application has been moved by the applicant/complainant with the averments that he wants to brought on record some important document which accused has stated to mislead the court in his plea of defence under Section 263(g) of Cr.P.C. like GST No./Certificate. Further, the applicant/complainant has also stated that father of complainant had given Rs. 9 Lacs and to prove this fact he wants to examine his father as a witness. On the other hand, objection has been raised by the respondent/accused that when the case was fixed for final arguments the applicant has moved the present application without any substantial ground. Here, the court is of the considered view the present application deserves to be dismissed because the case pertains to the year of 2019 and the plea of defence of accused was recorded on 19.05.2023 and now when the case was fixed for final arguments the applicant/complainant moved the present application with the averments that from the plea of defence he got to know that the accused has disclosed some wrong information to mislead the court, further after the plea of defence the complainant himself has also been examined as CW-1 on 12.01.2024 in the present complaint. The plea of defence was recorded before the cross examination of the complainant and it appears to the court that there was sufficient opportunity for the complainant to point out the



alleged wrong information given by the accused but unfortunately it was not done and when the case was fixed for final arguments the present application has been filed. Moreover, now at this stage the complainant wants to examine his father to prove this fact that Rs. 9 Lacs was given by his father. In this regard, the court is of the view that complainant is the master of his case and perusal of the list of witnesses which is annexed by the complainant with his file shows that he has not mentioned the name of his father in the array of witnesses now surprisingly at the final stage of the complaint he wants to examine his father, same can not be allowed at this stage.”

5. In view of the above, this Court does not find any illegality in the impugned order dated 02.12.2024 (Annexure P-4), and rather, no substance is found in the submissions of the counsel for the petitioner addressed before this Court. Thus, on the basis of grounds mentioned in the trial Court as well as the observations of this Court, as recorded here-above, present petition is hereby dismissed.

(SANJAY VASHISTH)
JUDGE

January 27, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No