



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

**CRM-M-8280-2025  
Date of decision: 20.08.2025**

**GURPREET SINGH**

...Petitioner

**VERSUS**

**STATE OF HARYANA AND OTHERS**

...Respondents

**CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR**

Present: Mr. G.C.Shahpuri, Advocate  
for the petitioner.

Ms. Vasundhara Dalal Anand, Sr. DAG, Haryana.

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**YASHVIR SINGH RATHOR, J. (Oral)**

1. This petition is directed against the order dated 28.10.2024 (Annexure P-6) passed by the Court of Chief Judicial Magistrate, Sirsa, vide which, an application under Section 311 Cr.P.C. moved by the prosecution for summoning one Inspector Suresh Pal has been rejected.
2. Upon notice learned State counsel has appeared. However, none has appeared on behalf of the private respondents No.2 to 17, despite notice.
3. I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the material on the file.
4. By way of application in hand, the prosecution wanted to examine one Inspector Suresh Pal, who had partly investigated the case



and while conducting investigation, he had taken into possession some documents on 04.09.2013. He had also recorded the statements of ESI Sher Singh and Gurpreet Singh under Section 161 Cr.P.C. but while preparing the final report, his name was inadvertently not mentioned in the list of witnesses and it was prayed that he may be allowed to be examined.

5. A perusal of order dated 16.08.2024 shows that learned defence counsel has endorsed his no objection on the application itself, meaning thereby, the accused has no objection in the examination of the said witness but learned trial Court rejected the request by observing that the Public Prosecutor has failed to explain as to why his name was not mentioned in the list of witnesses. The application has been moved at a belated stage and even no effort was made to examine him in an earlier application under Section 311 Cr.P.C., which was allowed by the Court. However, Section 311 Cr.P.C. provides that the Court has wide powers to summon any person as a witness, though not summoned as a witness, or recall and re-examine any person already examined and the Court shall summon and examine, recall and re-examine any such person if his evidence appears to it to be essential to the just decision of the case.

6. In the present case, Inspector Suresh Pal had partly investigated the case and he had taken into possession certain documents and recorded the statements of some prosecution witnesses and as such, his examination is essential to prove the various steps taken by him



during the investigation and his testimony will thus, certainly help the Court in arriving at a just conclusion. The prayer to summon him in exercise of power under Section 311 Cr.P.C. could not have been rejected in a mechanical manner by observing that no reason has been given as to why his name was not included in the list of witnesses. The trial is still at the stage of prosecution evidence and even if his name was not included in the earlier application under Section 311 Cr.P.C., such a minor lapse will not disentitle the prosecution to examine him by moving an application afresh. Learned trial Court has thus not exercised the jurisdiction vested in it on sound judicial principles and impugned order is thus liable to be set aside.

7. Accordingly, the present petition is allowed and impugned order dated 28.10.2024 (Annexure P-6) is ordered to be set aside and prosecution is allowed to examine the said witness.

|                             |                        |    |
|-----------------------------|------------------------|----|
|                             | (YASHVIR SINGH RATHOR) |    |
|                             | JUDGE                  |    |
| 20.08.2025                  |                        |    |
| Priyanka Thakur             |                        |    |
| Whether speaking/reasoned : | Yes                    | No |
| Whether Reportable :        | Yes                    | No |