



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

CRM-M No.21541 of 2025
Date of decision: 29th April, 2025

Ramandeep Singh

... Petitioner

Versus

State of Punjab & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Satvir Singh, Advocate
Legal Aid counsel for the petitioner.

MANJARI NEHRU KAUL, J.

1. The present petition has been filed by the petitioner assailing the order dated 26.11.2024 (Annexure P-4) passed by learned trial Court, in case FIR No.118 dated 15.11.2012 under Sections 323, 324, 341, 34 of the IPC registered at Police Station Jodhan, District Ludhiana, whereby an application preferred under Section 311 Cr.P.C./348 BNSS seeking permission to place on record certified medical records and discharge summaries pertaining to patients Ramandeep Singh and Sukhwinder Singh was dismissed.

2. Learned counsel appearing on behalf of the petitioner has contended that the learned trial Court has committed a grave error in declining the said application by erroneously perceiving the attempt to bring on record additional documents as one aimed at filling lacunae in

the prosecution case and causing delay in the conclusion of the trial. It has been submitted that the said medical records were essential for a just adjudication of the matter and that Section 311 Cr.P.C. empowers the Court to summon or recall any witness or to direct the production of any document at any stage of the trial. Learned counsel has argued that since the trial is still pending, the question of delay does not arise, and the impugned order (Annexure P-6) is thus liable to be set aside.

3. I have heard learned counsel for the petitioner and perused the relevant material on record.

4. Section 311 of the Cr.P.C./348 BNSS confers wide discretion upon the Court to summon any person as a witness or recall and re-examine any person already examined at any stage of the inquiry, trial, or other proceeding, if such evidence appears to the Court to be essential for a just decision of the case. The provision is rooted in the principle that the ultimate aim of a criminal trial is to arrive at the truth, and to ensure that no prejudice is caused to either party due to the non-production of material evidence.

5. However, the exercise of such discretion is not unregulated or mechanical. It is well settled that the power under Section 311 Cr.P.C. /348 BNSS must be invoked judiciously and not as a matter of course. The Court is required to carefully evaluate whether the additional evidence sought to be introduced is indeed essential to the fair and just adjudication of the case, or whether it is merely intended to fill gaps or rectify shortcomings in the case of a party.

6. Adverting to the present case, it is evident from the material on record that a similar application had earlier also been filed by the petitioner seeking to place on record medical documents, which was duly considered and rejected by the learned trial Court. The instant FIR was registered way back in the year 2012, followed by the framing of charges in 2013, and the prosecution evidence was concluded as far back as 20.07.2023. The petitioner now seeks to introduce medical records at a highly belated stage of the proceedings, despite having ample opportunity to do so during the trial.

7. The learned trial Court, while dismissing the application, has recorded a well-reasoned finding that the attempt to introduce additional documents at this stage appears to be a strategy to fill lacunae in the prosecution case and to protract the trial. There is nothing on record to demonstrate that the proposed documents were either unavailable or beyond the reach of the petitioner during the earlier stages of the proceedings. In such circumstances, this Court finds no perversity or illegality in the conclusion drawn by the learned trial Court in the impugned order.

8. The discretionary power under Section 311 Cr.P.C. /348 BNSS is not to be exercised in a manner that results in reopening the entire prosecution on the mere asking or in permitting tactics that could result in delaying the course of justice under the guise of ensuring fairness.

9. In view of the foregoing and having regard to the facts and circumstances of the case, this Court has no hesitation to observe that the impugned order does not suffer from any manifest illegality, impropriety or perversity warranting interference. The petition is accordingly dismissed in limine.

(MANJARI NEHRU KAUL)
JUDGE

April 29, 2025

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No