



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

**CRM-M No.44578 of 2019 (O&M)
Reserved on: 28.10.2025
Date of Decision: 31.10.2025**

Satnam Singh

.....Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Argued By: Ms. Rajvinder Kaur Sohal, Advocate for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

Mr. A.K.Garg, Advocate for respondent No.2.

SURYA PARTAP SINGH, J. (Oral):

The petitioner is aggrieved of an order passed by the learned Judicial Magistrate Ist Class Rupnagar on 16.06.2019, duly affirmed by the Court of learned Additional Sessions Judge, Rupnagar on 26.08.2019. By virtue of abovementioned order, dated 16.06.2019, the application moved by the petitioner, being a complainant, under Section 311 Cr.P.C. has been dismissed.

2. Briefly stating the facts emerging from record are that the FIR No. 188 dated 17.10.2013, Police Station Morinda, has been lodged at the instance of complainant, who has stated that with an intention to kill him he was attacked and injured by the respondent No.2 Sukhwinder Singh, with the help of a spade, and that in the above mentioned efforts he was assisted by his wife i.e. respondent No.3.



3. It has been further averred by the petitioner that once the challan in the above mentioned case was filed and the trial was in progress, he had moved an application under Section 311 Cr.P.C. for summoning of two witnesses namely Dr. Kulbir Bal and Doctor Suman Setia, to prove the nature of injuries suffered by the complainant. It has been alleged by the petitioner that after suffering injuries firstly he was taken to Civil Hospital Morinda, from where he was referred to General Hospital Sector-16 Chandigarh where he remained admitted from 16.10.2013 to 19.10.2013, and thereafter he was admitted in PGI Chandigarh. According to petitioner, since he was under treatment for a period of one week in Sector 16 Hospital, the treatment record pertaining to abovementioned Hospital is a relevant piece of evidence, and therefore, the doctors, who had treated him in above mentioned hospitals, are the material witnesses in the present case. As per complainant, without looking into the above mentioned reasons the learned trial Court dismissed the application moved by the petitioner, and that despite being erroneous the abovementioned order has been affirmed by the learned Additional Sessions Judge, Rupnagar.

4. Heard.

5. It has been contended by learned counsel for the petitioner that the instant case is a case wherein the petitioner was treated in three different hospitals, and that the Investigating Agency, in the list of witnesses, mentioned the names of Medical Officer of two hospitals, and left the name of doctors who had treated the petitioner in Sector 16 Chandigarh for a period of one week. According to learned counsel for the petitioner in order to prove the

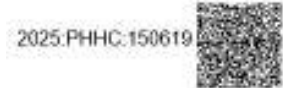


entire chain of treatment, undertaken by the petitioner, it is necessary that the above mentioned doctors should be examined, particularly, when Dr. Suman Setia had conducted CT Scan of the petitioner and Dr. Kulbir Bal had recorded the treatment history.

6. According to learned counsel for the petitioner if the above mentioned two witnesses are not examined it will adversely impact the prosecution case and that the learned trial court vis-a-vis learned Revisional Court have failed to look into the valid reasons behind the above mentioned application.

7. Per contra, the learned counsel for the respondent No.2, has argued that the order passed by the learned Revisional Court is a well reasoned order. He has argued that during the course of trial the statement of Medical Officers is required to prove the nature of injury found on the person of petitioner, and that to prove the above mentioned injury, the Medical Officer of Civil Hospital Morinda, who conducted medico-legal examination of the petitioner at the very first instance, has been examined. As per learned counsel for the respondent No.2 the Medical Officer of the last hospital where the petitioner took treatment, i.e. PGI Chandigarh, has also been examined by the petitioner, who has proved the gravity of injury suffered by the petitioner. According to learned counsel for the respondent No.2 in view of the testimony of above mentioned witnesses the learned Revisional Court has rightly observed that the examination of witnesses being sought to be summoned by the petitioner was going to be a futile exercise.

8. The record has been perused carefully.



9. In the present case, it is relevant to mention here that the claim of the petitioner is that he had suffered the grievous injury, and to prove the nature of injury the testimony of Medical Officers is of utmost importance. However, the peculiar facts pertaining to the present case goes to show that the Medical Officers who conducted medico-legal examination of the petitioner, at the first instance, and prepared the medico-legal report has already been examined by the prosecution. In addition to above, the prosecution has also examined the Medical Officer of the Hospital where the petitioner had taken last treatment. Since the above mentioned Medical Officers are good enough to prove the nature of injuries suffered by the petitioner, it is hereby held that a right approach was adopted by the learned trial Court, vis-a-vis the learned Revisional Court, while observing that Dr. Kulbir Bal and Dr. Suman Setia, were not the necessary witnesses in the present case.

10. As a sequel to above mentioned observations, it is hereby held that a right view has been taken by both the courts below, and that there is no scope for indulgence or interference in the findings recorded by the learned trial Court, duly approved by the learned Revisional Court. Since there is no merit in the present petition, it deserves dismissal. Thus, the same is hereby dismissed, accordingly.

(SURYA PARTAP SINGH)
JUDGE

31.10.2025
Manoj Bhutani

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