

**CRM-M-1504-2020(O&M)****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****(133)****CRM-M-1504-2020(O&M)
DATE OF DECISION:18.03.2026**

Narinder Kaur

.....Petitioner

VERSUS

State of Punjab and others

.....Respondents

CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA

Present Mr.Bhupinder Bir Singh, Advocate, for the petitioner.
Mr.Anup Singh, AAG, Punjab.
Mr. Gagandeep Singh Sirphikhi, Advocate,
for respondents no.3 to 5.

SUBHAS MEHLA, J (ORAL)

1. Prayer in the present petition filed under Section 482 Cr.P.C is for quashing the order dated 14.11.2019 (Annexure P-3), passed by learned Judicial Magistrate Ist Class, Batala, whereby application under Section 311 Cr.P.C of the State has been dismissed in case CHI-198-2015, titled as State versus Amarjit Singh etc. in FIR No.153 dated 18.11.2014, under Sections 323, 324, 325, 326, 427 read with Section 34 IPC, registered at Police Station Ghoman.

2. Limited prayer of the learned counsel for the petitioner is that Dr.Alok Verma and Dr. Ketul Pathak are witnesses in the present matter but they are not available / traceable and inspite of that complainant wants to summon some other doctor namely Dr.Poonam Ohri and Dr.JPS Bajwa to prove the x-ray films which are necessary for the just decision of the case and to do the complete justice and requested that one opportunity be granted to the petitioner to prove the x-ray films by calling a doctor from concerned

Radiology Department.



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3. On behalf of respondent / accused, Mr.Gagandeep Singh Sirphiki, Advocate, appeared and submitted that the matter pertains to year 2015 and several opportunities have been granted to the complainant to adduce evidence but despite that they have failed to adduce evidence and trial Court has rightly dismissed their application. Hence, prayer for dismissal of the petition is made.

4. Mr.Anup Singh, AAG, Punjab, appeared on behalf of State submitted that in view of law laid down in **Versha v. State of Madhya Pradesh, 2024 SCC OnLine MP (Madhya Pradesh High Court)**, there is no bar to allow an application under Section 311 Cr.P.C and the application can be allowed at any stage to do the complete justice.

5. Heard.

6. Hon'ble Supreme Court, in **Zahira Habibullah Sheikh (5) and Anr. v. State of Gujarat and Others, 2006(2) RCR (Criminal) 448 4**, has considered the object underlining under Section 311 as under:-

“The object underlying Section 311 of the Code is that there may not be failure of justice on account of mistake of either party in bringing the valuable evidence on record or leaving ambiguity in the statements of the witnesses examined from either side. The determinative factor is whether it is essential to the just decision of the case. The section is not limited only for the benefit of the accused, and it will not be an improper exercise of the powers of the court to summon a witness under the section merely because the evidence supports the case of the prosecution and not that of the accused. The section is a general section which applies to all proceedings, enquiries and trials under the Code and empowers the Magistrate to issue summons to any witness at any stage



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of such proceedings, trial or enquiry. In Section 311 the significant expression that occurs is “at any stage of any inquiry or trial or other proceeding under this Code”. It is, however, to be borne in mind that whereas the section confers a very wide power on the court on summoning witnesses, the discretion conferred is to be exercised judiciously, as the wider the power the greater is the necessity for application of judicial mind.”

7. Keeping in view the limited prayer of the learned counsel for the petitioner that as two doctors namely Dr.Alok Verma and Dr. Ketul Pathak are not available / traceable despite efforts being made to secure their presence owing to their inter-state transfer and complainant wants to examine some other doctor namely Dr.Poonam Ohri and Dr.JPS Bajwa to prove the x-ray films / reports, the present petition is **disposed of** and only one opportunity is granted to the complainant to lead evidence to prove the x-ray film / report by calling witness from the concerned department, subject to payment of cost of Rs.2,000/-, to be deposited with **District Legal Services Authority (DLSA)**, concerned.

18.03.2026
mamta

(SUBHAS MEHLA)
JUDGE

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