



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

CRM-M No.38622 of 2023

Date of decision: 30.04.2026

Sukhdev Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present :- Mr. Sukhmeet Singh, Advocate
for the petitioner.

Mr. Sahil Chowdhary, AAG, Punjab
for respondents No.1 to 3.

Mr. C.M. Munjal, Advocate
for respondents No.4 and 5.

MANDEEP PANNU, J. (Oral)

1. This is a petition under Section 482 of the Code of Criminal Procedure for quashing of the order dated 03.07.2023 passed by learned Additional Sessions Judge, Moga in Complaint Case No.34 dated 23.07.2013 titled as "*Sukhdev Singh vs. State of Punjab and others*", whereby the application filed by the petitioner under Section 311 Cr.P.C. has been dismissed.

2. The application under Section 311 Cr.P.C. was moved by the petitioner in the aforesaid complaint case seeking summoning of additional witnesses, namely Dr. Sneha Lata and Dr. Ram Gopal from Guru Gobind Singh Medical College, Faridkot, for the purpose of proving the MLR of the



victim Malkit Kaur. It was averred in the application that the complaint case titled "*Sukhdev Singh versus Jagraj Singh*" was pending before learned Trial Court and on the date fixed, PW-4 Dr. Kapil Bansal had been examined through video conferencing, wherein he identified the signatures of Dr. Sneha Lata, who was the emergency doctor at the time of admission of the injured and had given the initial opinion in the diagnosis. It was further stated that the MLR was prepared under the supervision of Dr. Ram Gopal, whose testimony was essential for proper proof of the medical record. It was further averred that although in cross-examination, PW-4 stated that Dr. Ram Gopal was not presently posted in the hospital but his address could still be procured, and both the said doctors were necessary witnesses for just adjudication of the case. The application emphasized that summoning of these witnesses was essential for proper adjudication of the controversy and no prejudice would be caused to any party if the application was allowed. Accordingly, a prayer was made that the aforesaid witnesses be summoned in prosecution evidence in the interest of justice. It is further submitted that a reply on behalf of the accused persons was filed opposing the application under Section 311 Cr.P.C., wherein it was averred that the present application is not maintainable at this stage as the prosecution has already examined PW-4 Dr. Kapil Bansal, who has duly proved the MLR of the injured Malkit Kaur. It was contended that so far as Dr. Sneha Lata is concerned, it is clear that she had not medically examined the patient and rather the medico-legal examination was conducted by Dr. Ram Gopal. It was further submitted that no useful purpose would be served by summoning the said witnesses and the application has been moved only to fill up lacunae



in the prosecution case and to delay the proceedings. It was also pointed out that during cross-examination, PW-4 did not depose anything regarding any firearm injury and specifically stated that the injuries were caused by a blunt weapon and were simple in nature. Accordingly, dismissal of the application was prayed for.

3. Learned Additional Sessions Judge, after hearing learned Additional Public Prosecutor as well as learned defence counsel and after perusing the record, dismissed the application. The Court observed that the accused had already been charge-sheeted under Sections 452, 307, 323, 324, 427 read with Section 34 IPC and the matter was at the stage of prosecution evidence. The Court further noted that PW-4 Dr. Kapil Bansal had already been examined at length and had proved the MLR of the injured as Ex. PW-4/A along with the pictorial diagram Ex. PW-4/B. It was held that the prosecution now intends to summon Dr. Sneha Lata and Dr. Ram Gopal only to prove the same MLR, which has already been duly proved on record. The Court also took into consideration that the case is pending for a long duration of about 10 years and the application appears to have been moved only to delay the trial and to fill up the lacunae in the prosecution case. Accordingly, finding no sufficient ground for summoning the said witnesses, the learned Court dismissed the application.

4. Learned counsel for the petitioner has contended that the impugned order dated 03.07.2023 passed by learned Additional Sessions Judge, Moga, is illegal and against the settled principles of law, as the application under Section 311 Cr.P.C. was dismissed without properly appreciating the material on record. It is submitted that Dr. Sneha Lata,



who was the emergency medical officer at the time of admission of the injured Malkit Kaur, had given the first opinion in the diagnosis, and therefore, her testimony is essential for just adjudication of the case. It is further contended that Dr. Kapil Bansal (PW-4), during his deposition, has identified the signatures of Dr. Sneha Lata as well as Dr. Ram Gopal, who had prepared the MLR, and thus, both these witnesses are necessary to be examined for properly proving the medical record. It is also argued that as per the MLR, there is mention of firearm injury in the diagnosis, and therefore, summoning of the said doctors is crucial for establishing the nature of injuries. Learned counsel further submits that learned trial Court has failed to consider that during cross-examination, PW-4 admitted that though Dr. Ram Gopal is not presently posted in the hospital but his address is available, and thus his presence could have been secured. It is, thus, prayed that the impugned order be set aside and the application under Section 311 Cr.P.C. be allowed in the interest of justice.

5. On the other hand, learned counsel respondents No. 4 and 5 have opposed the present petition on the ground that there is no illegality or infirmity in the impugned order passed by learned trial Court. It is submitted that the MLR of the injured has already been duly proved and exhibited on record through PW-4 Dr. Kapil Bansal, who has been examined at length and cross-examined. It is further contended that the present application has been moved only to fill up lacunae in the prosecution case and to unnecessarily delay the proceedings, which have already been pending for a considerable period of time. It is argued that summoning of additional witnesses, who would merely reiterate the same



facts already proved, is not warranted and learned trial Court has rightly exercised its discretion in dismissing the application.

6. Having heard learned counsel for the parties and after perusing the record, this Court finds no merit in the present petition. The scope of interference under Section 482 Cr.P.C. against an order passed under Section 311 Cr.P.C. is limited and is to be exercised sparingly. The power under Section 311 Cr.P.C. is undoubtedly wide; however, the same is to be exercised judiciously and not to permit a party to fill up lacunae in its case or to protract the trial.

7. In the present case, it is not disputed that PW-4 Dr. Kapil Bansal has already been examined and has duly proved the MLR of the injured as well as the pictorial diagram of injuries. The record further reveals that the case has been pending for a long duration and the application for summoning additional witnesses was moved at a belated stage when the prosecution evidence was already underway.

8. Learned trial Court has rightly observed that summoning Dr. Sneha Lata and Dr. Ram Gopal would not serve any substantial purpose, as the MLR already stands proved on record, and their examination would only be a reiteration of the same evidence. The contention regarding alleged firearm injury is also a matter which can be appreciated on the basis of the evidence already led and does not necessitate recalling or summoning additional witnesses at this stage. The discretion exercised by learned Additional Sessions Judge does not suffer from any perversity, illegality or material irregularity warranting interference by this Court.

9. Accordingly, finding no ground to invoke the inherent



jurisdiction under Section 482 Cr.P.C., the present petition is dismissed.

10. Pending applications, if any, also stand disposed of.

30.04.2026

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(MANDEEP PANNU)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No