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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-51779-2019 (O&M)
Date of Decision:19.01.2026

Satyajot Singh

....Petitioner

Versus

U.T. Chandigarh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. P. S. Guliani, Advocate,
for the petitioner.Ms. Sharmila Sharma, Addl. Public Prosecutor with
Mr. Navnit Sharma, Advocate,
for respondent No.1.Mr. H.P. Guatam, Advocate,
for respondent No2.

AMAN CHAUDHARY, J. (Oral)

1. The present petition has been filed under Section 482 CrPC for quashing the order dated 19.11.2019, Annexure P-1, passed by learned Chief Judicial Magistrate, Chandigarh, whereby, on an application filed by respondent No.2 under Section 173(8) CrPC for further investigation, the trial Court has allowed one Nitin Sharma to be examined in evidence under Section 311 CrPC.

2. This Court on 03.08.2023 passed the following order:-

“On a Court query, as to whether son of the deceased on whose application, eye-witness Nitin Sharma has been



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summoned as an additional witness under Section 311 Cr.P.C., since his name was given at the time of filing charge-sheet, whether the said eye witness is known to him (respondent No.2) and what is basis of filing the application after a lapse of 1 and a half year as to how did he come to know that said Nitin Sharma was present at the scene of occurrence and as to why would he not join investigation when the same was carried out after registered of FIR, learned counsel seeks time to file affidavit.

Learned counsel for the U.T., to also file a report as to why aforesaid witness was not associated in the investigation in case he was an eye witness as is claimed by respondent No.2.

Post it on 06.09.2023.

Interim order to continue.”

3. Learned counsel for respondent No.2 has not been able to respond to the aforesaid query.

4. As has been stated that the pillion rider-Madan Lal of the deceased, one-Gunjit Bir Singh eye-witness and Pawan Kumar Singla, Executive Engineer, Punjab Water Works Department, who also were allegedly hit by the vehicle of the petitioner and were thus eye witnesses, though identified the vehicle in question, but not him.

5. After completion of the evidence, an application came to be filed by the complainant under Section 173(8) Cr.P.C and not by the Public Prosecutor, for further investigation that one alleged eye-witness Nitin Sharma was not joined in the investigation, thus, the same was not complete.



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However, the trial Court instead of determining whether the prayer for further investigation was warranted, has fallen in grave error by summoning the said witness under Section 311 CrPC, a course that prompts this Court to interfere.

6. In view of the aforesaid discussion, order dated 19.11.2019 passed by learned Chief Judicial Magistrate, Chandigarh is set aside, leaving it open to the trial Court to decide the application filed by the complainant on its own merits.

(AMAN CHAUDHARY)
JUDGE

January 19, 2026
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No