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

CRR-3251-2025

Decided on : 23.01.2026

Raman Kumar

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Yashjot Singh Dhaliwal, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

1. Present revision petition has been filed impugning the order dated 19.11.2025 passed by learned Additional Sessions Judge, SAG Nagar, whereby the application filed by the petitioner under Section 311 Cr.P.C. has been dismissed.

2. As per the facts of the case, the petitioner-complainant registered FIR No.81, dated 22.04.2016, under Sections 302, 307, 325, 324, 323, 148, 149 and 201 IPC at Police Station Dera Bassi, SAS Nagar Mohali. The case is pending adjudication. During the course of trial, the petitioner filed three applications under Section 311 Cr.P.C., which were allowed by learned trial Court. Again application under Section 311 Cr.P.C. has been filed by the petitioner to examine the concerned doctors and to place on record the x-ray report etc. However, after hearing both the sides, learned trial Court dismissed the application vide impugned impugned order dated 19.11.2025. Aggrieved by the same the petitioner is before this Court by way of filing the present revision petition.

3. It has been contended by learned counsel for the petitioner that



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the petitioner before this Court is the complainant of the FIR. He submits that the petitioner filed the application under Section 311 Cr.P.C. for summoning and examining the witnesses concerned doctors alongwith X-ray report, diagnosis summary and the complete record of GMCH-32 and Civil Hospital, Mohali, of Mohinder Singh for period from 23.05.2016 to 15.06.2016. However, learned trial Court has illegally dismissed the same vide order dated 19.11.2025. It is submitted that the names of the concerned doctors were deliberately not added in the list of witnesses in the challan filed by the police only to make a weak case and in favour of the accused persons. He submits that the police did not annex the medical record of GMCH-32 and Civil Hospital, Phase-6, Mohali, of the deceased alongwith the challan and thus, to prove the chain of events regarding admission of the deceased from Dera Bassi and Civil Hospital, Phase-6, Mohali, is indispensable. He submits that as per the law settled, while exercising the power under Section 311 Cr.P.C., the Court has to find whether proposed evidence is necessary to be brought on record for the just and proper decision of the case or not. However, learned trial Court has dismissed the application in violation of law settled. He submits that no prejudice would be caused to the respondents and thus, the impugned order being unsustainable in the eyes of law, deserves to be set aside by allowing the application under Section 311 Cr.P.C. He relies upon Jamatraj Kewaljit Govani vs. State of Maharashtra, AIR 1968 SC 178, Mohanlal Shamji Soni vs. Union of India and another, 1991(3) RCR (Criminal) 182, Iddar and others vs. Aabida and another, 2007(3) RCR (Criminal) 909 and Godrej



Pacific Tech. Ltd. Vs. Computer Joint India Ltd., (SC) Criminal Appeal No.1181 of 2008.

3. After hearing learned counsel for the petitioner and perusing the record, it is deciphered that the petitioner is the author of the FIR. Petitioner-complainant filed fourth application under Section 311 Cr.P.C. which has been dismissed by learned trial vide order dated 19.11.2025. However, it is inferred from the record of the case that earlier three application filed by the petitioner under Section 311 Cr.P.C. on the similar ground that concerned doctors have not been mentioned in the list of the witnesses and their evidence is essential for just decision of the case, were allowed by learned trial Court and the petitioner was allowed to produce medical record into evidence. However, again the petitioner filed fourth application under Section 311 Cr.P.C. summoning and examining the witnesses concerned doctors alongwith X-ray report, diagnosis summary and the complete record of GMCH-32 and Civil Hospital, Mohali, of Mohinder Singh for period from 23.05.2016 to 15.06.2016. From the perusal of the record, it is apparent that the prosecution has already examined PW-12 Dr. Mohit Bhutani, Senior Resident, Department of ENT, who had examined the injured Sandeep, PW-14 Gobind Singh, Record Keeper, GMCH-32, Chandigarh and had produced entire medical record, which transpires that injured Sandeep was advised chest X-ray and USG abdomen, but he did not report back with the reports. Thereafter, number of doctors were examined as prosecution witnesses and record was also produced as evidence. Thus, it is apparent that the entire medical record of



the injured has already been produced before the Court and there is no requirement of summoning the witnesses as prayed for. Even otherwise, the present application is not forwarded by learned Addl.PP for the State, but has been moved on behalf of the counsel for the petitioner-complainant.

4. There is no gainsaying that the provisions of Section 311 Cr.P.C. are sacrosanct in nature and have been incorporated to secure the ends of justice. For resolving the controversy, appreciation of provisions of Section 311 Cr.P.C. are relevant, which read as under:-

“311. Power to summon material witnesses, or examine person present- Any Court may, at any stage of any inquiry, trial or other proceeding under this Code, summon any person as a witness, or examine any person in attendance, though not summoned as a witness, or recall and re-examine any person already examined; and the Court shall summon and examine or recall and reexamine any such person if his evidence appears to it to be essential to the just decision of the case.”

5. From the bare reading of the provision of Section 311 Cr.P.C., it is apparent that the Court has ample power to re-examine or recall any such person whose evidence appears to be essential to the just decision of the case. However, Hon'ble Supreme Court in the case of **Swapan Kumar Chatterjee vs. Central Bureau of Investigation, (2019) 14 SCC 328** held as under:-

“11. It is well settled that the power conferred under Section 311 should be invoked by the court only to meet the ends of justice. The power is to be exercised only for strong and valid reasons and it should be exercised with great caution and circumspection. The court has vide power under this Section to



even recall witnesses for reexamination or further examination, necessary in the interest of justice, but the same has to be exercised after taking into consideration the facts and circumstances of each case. The power under this provision shall not be exercised if the court is of the view that the application has been filed as an abuse of the process of law.”

6. This is no dispute regrading the judgments as relied upon by counsel for the petitioner, however, the same are distinguishable in the facts and circumstances of the present case. Hon’ble Supreme Court time and again has held that power under Section 311 Cr.P.C. should be exercised in a liberal manner, if the Court finds that evidence of the witness sought to be examined is essential for just decision of the case.

7. Thus, this Court does not find any infirmity in the impugned order dated 19.11.2025 passed by learned Additional Sessions Judge, SAS Nagar and hence, the present petition being devoid of any merit, is hereby dismissed.

23.01.2026
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No