

Punjab State Vs Karanvir

Present: Ms. Lovepreet Kaur, Ld. APP for the State.
Accused Karanvir Singh on bail in this case but stated to be in custody in some other case produced through VC represented by Sh.Vishal Verma, Advocate.

1. Heard on the application u/s 311 Cr.P.C. forwarded by the Learned APP for the State for summoning the IO and Nodal Officer to prove the call detail record and ownership of mobile no of accused and Ranjit Singh.

2. Laconically, the facts of the application are that the complainant has filed complaint u/s 365, 120 B IPC and bearing CIS No.CHI-211-2020 and same is pending in the Learned Court of Chief Judicial Magistrate, Rupnagar. It has been further averred that the prosecution has already examined key witnesses in support of the case. That during the course of investigation, the mobile number 8437532919 was found to be used by the victim Ranjit Singh and he was last contacted through his number on 07.05.2020, the day of his alleged abduction. The (CDRs) of the aforementioned number and the number of the accused (9592761489) are highly material to prove the last location of the victim and the possible involvement and contact with the accused person(CDR attached in judicial file). That the ownership and usage of the above mobile number is also essential to be proved through the concerned nodal officer of the telecom service provider. That IO during investigation, collected relevant mobile data and it is necessary to recall him to prove CDRs on record. That summoning the nodal officers and recalling the IO is essential for the just decision of the case and will not cause any

prejudice to the accused. Hence, a prayer has been made to allow the present application.

3. In reply to the said application, learned counsel for the accused submitted that application is not maintainable, it does not lie and same is liable to be dismissed. Same has been filed to delay the proceedings and to fill up the lacuna. The IO has already been examined in this case and any nodal officer was not made as a witness nor his name is cited in the list of witnesses. The application has been given just to delay the proceedings and to prolong the matter. The application has been given just to delay the proceedings and to prolong the matter. **On merits**, it has been further submitted that application is absolutely wrong. No proof is on the judicial file to prove the fact that the alleged mobile number is owned and used by Ranjit Singh and it is not authentic evidence to prove the case of the prosecution. It is pertinent to mention here that regarding any CDR no detail has been mentioned by the IO in the report u/s 173 CrPC. Lastly, he prayed that application be dismissed.

4. I have heard the learned counsel for both the parties and perused the case file carefully. Present application has been moved by the learned APP for the State to summon the IO and Nodal Officer in prosecution evidence, the same deserves to be dismissed being devoid of merits. It has been observed by the Hon'ble Apex court in case titled **Zahira Habibulla Vs State (2006) 3SCC 374: AIR 2006 SC 1367: 2006 Cr.LJ 1694**, Section 311 has two parts- the first part is discretionary whereas the second part is mandatory. Because of the mandatory nature of the second part, it compels the court to take any of the steps provided in Section 311 if the new evidence appears to it

essential to the just decision. It is to be remembered that the exercise of power under Section 311 Cr.P.C should be resorted to only with the object of finding out the truth or obtaining the proper truth of such facts which lead to a just and correct decision of the case. This Section confers a wide discretion on the Court to act as the exigency of justice requires. This power can be exercised at any stage of trial. There is no manner of doubt that the power under Section 311 Cr.P.C is vast one. It hardly needs to be emphasized that power under Section 311 Cr.P.C should be exercised for the just decision of the case. As is provided in the section the power to summon any person as a witness can be exercised, if the Court forms an opinion that the examination of such a witness is essential for just decision of the case.

5. Perusal of file shows that Investigating Officer i.e. ASI Sudesh Kumar has already been examined in the present case as PW2. So far as, witness Nodal Officer is concerned, perusal of the list of witness placed on record with the challan shows that the concerned Nodal Officer has not been listed in the list of witness by the prosecution. The present application has been moved just to delay the expeditious disposal of the case in hand. Thus, there is no ground to allow the application under Section 311 CrPC. In view of above discussion, the application moved by learned APP for the State in hand stands dismissed accordingly. This order of mine shall not effect the merits of the case.

Let production warrants of accused Karanvir Singh be issued for 26.08.2025.

Pronounced:
Dt.20.08.2025

(Sukhwinder Singh),
Chief Judicial Magistrate,
Rupnagar/UID:PB0332.