

Present: Sh. Malkiat Singh, Ld. APP for State.
Accused Surjit Singh, Paramjit Kaur & Jasbir Kaur on bail with
counsel Sh. B.S.Dhakala, Advocate.

1. This order of mine shall dispose off an application under Section 311 Cr.PC (now 348 of BNSS) filed on behalf of prosecution for recalling the prosecution witnesses for examination-in-chief. It is averred in the application that the material witnesses namely Sardool Singh not examined i.e. examination-in-chief of said witness is not recorded in the presence of additional accused Jasbir Kaur and other witnesses namely Dr. Kanwar Pal Singh & Dr. Lovepreet Singh are yet to be examined. Non-examination of the material witnesses would cause serious prejudice to the prosecution and may result in a failure of justice. No prejudice will be caused to the defense, as the accused will get a full opportunity to cross examine these witnesses. Therefore, prayed that the application may kindly be allowed in the interest of justice.

2. On the contrary, reply to the said application has been filed by the defense counsel by mentioning that the present application is not maintainable in the eyes of law. The present application is a clear misuse of the process of law and amounts to abuse of the process of justice. The prose is intentionally trying to prolong the proceedings of the present case which is pending for adjudication since the year 2020. The prosecution has already been granted ample and repeated opportunities to conclude its evidence, but has failed to do so and this court has already ordered closure of the prosecution evidence. The present application is nothing but a

deliberate delaying tactic moved solely to harass the accused who has been facing unnecessary litigation of this case since 2020. The remaining contents of the application have been denied with the prayer for dismissal of the same has been made.

3. After hearing both the parties and perusing the record carefully, this Court is of the view that the application in hand ought to be allowed. Through the instant application, the prosecution has sought to summon the witnesses namely Sardool Singh, Dr. Kanwar Pal Singh & Dr. Lovepreet Singh on the ground that examination-in-chief of above said witnesses has not been recorded in the presence of additional accused Jasbir Kaur. The provision under Section 311 Cr.PC which is reproduced as under:-

"Power to summon material witness, 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 re-examine any such person if his evidence appears to it to be essential to the just decision of the case"

4. So, I am of the view that the Court has ample power to summon any witness or recall any witness if it appears to be essential for the just decision of the case. This Court is of the view that no prejudice shall be caused to the accused persons if the application is allowed as the witness is to be examined by the prosecution. Moreover, allowing the present application will further help this court to reach at a just decision of the present case. Accordingly, the instant application stands allowed. Let,

prosecution witnesses namely Sardool Singh, Dr. Kanwar Pal Singh & Dr. Lovepreet Singh be summoned for 12.08.2026. It is made clear that prosecution is being granted two opportunities to conclude evidence of above said witnesses at its own responsibility.

Pronounced in open Court:
Date:04.08.2026
Purushottam, Stenographer-I

(Nirmala Devi), PCS
Judicial Magistrate 1st Class,
Gurdaspur,UID No.PB0411

Present: Sh. Malkiat Singh, Ld. APP for State.
Accused Surjit Singh, Paramjit Kaur & Jasbir Kaur on bail with
counsel Sh. B.S.Dhakala, Advocate.

Arguments heard. Vide my separate detailed order of even date, the application under Section 311 Cr.PC (now 348 BNS) moved by prosecution stands allowed, as detailed therein. Let, prosecution witnesses namely Sardool Singh, Dr. Kanwar Pal Singh & Dr. Lovepreet Singh be summoned for 12.08.2026. It is made clear that prosecution is being granted two opportunities to conclude evidence of above said witnesses at its own responsibility.

Date of Order: 04.08.2026
Purushottam Kumar
Stenographer-I

(Nirmala Devi)
JMIC, Gurdaspur
UID No.PB00411