

State of Punjab Vs. Harvinder Singh @ Heera

Present: Sh. Nitin Berry, APP for the State

Accused on bail with counsel Sh. B.S.Bhatoa Adv.

The case was today fixed for consideration on the application under Section 311 Cr.P.C. for summoning complainant Sonia and ASI Jasvir Singh, Investigating Officer. Heard. It is contended by the prosecution that in the case at hand the case was registered on the complaint of Sonia and investigation was carried out by ASI Jasvir Singh. The stated witnesses are claimed to have already been examined. The prosecution evidence is stated to have been closed by order, whereas, the complainant and ASI Jasvir Singh, Investigating Officer are yet to be examined. The deposition of aforementioned witnesses is stated to be necessary.

On the other hand, in reply learned counsel for defence has questioned the maintainability of the application. The examination of the witnesses, listed by the prosecution, is stated to be correct. It is contended that the complainant had been summoned on various occasions but she was stated to have left for abroad. Two of the material witnesses are stated to have not supported the prosecution version. Consequently, there is stated to be no need to examine complainant and the Investigating Officer. Dismissal of the application has been prayed for.

I have heard learned APP for the State as well as learned defence counsel and perused the state case file. As is apparent, the case has been registered on the statement of complainant Sonia. No doubt this witness has been summoned on a number of occasions. Her mother, PW3 Satwant Kaur even suffered statement before the court that her daughter Sonia i.e. complainant has gone abroad and is not likely to return India in near future. Nevertheless, in light of averments of the application under Section 311 Cr.P.C., I deem it appropriate to allow the application at hand. It has however been clarified and Ld. APP for the State has been informed that only one effective opportunity will be granted to examine the desired witnesses, on failure of which, the evidence shall be deemed to have been closed. The court shall provide assistance by issuing summons. However, the responsibility of getting the witnesses to the witness box shall be that of the prosecution.

Application stands allowed and disposed off accordingly.

Now to come up on 29.08.2022, for which date witnesses mentioned at Sr. No. 1 and 7 of the list of witnesses, be summoned.

09.08.2022

Rupesh

(Gursher Singh)
CJ(JD)/JMIC/Hoshiarpur
UID NO . PB00380