



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

CRM-M-48546-2024

Date of Decision: 25.02.2025

SALINDER

...Petitioner(s)

Vs.

STATE OF HARYANA AND ANOTHER

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE H. S. GREWAL

Present : Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

Mr. Sachin Kamboj, Advocate
for respondent No.2.

H. S. GREWAL, J. (Oral)

1. The present petition has been filed under Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023 for setting aside the order dated 20.09.2024 (Annexure P-12) passed by the learned Sub Divisional Judicial Magistrate, Indri, whereby the application under Section 311 of Cr.P.C. read with Section 91 of Cr.P.C. for examination of Dr. Chirag, Medical Officer, has wrongly been dismissed in case FIR No.172 dated 20.04.2019 under Sections 279 and 337 IPC registered at Police Station Indri, District Karnal (Annexure P-1).

2. Learned counsel for the petitioner submits that the complainant Salinder and Shiv Dayal met with an accident on 19.04.2019 and after the accident, complainant and Shiv Dayal were shifted to the CHC, Indri and consequently, they were referred to the KCGMC, Karnal. Eventually, Shiv Dayal was treated by Dr. Chirag, MO, PGIMS, Chandigarh. It is further

averred that examination of Dr. Chirag, Medical Officer, is necessary for the just decision of the present application. Learned counsel for the petitioner further submits that an opportunity may be granted to examine the said witness namely Dr. Chirag, Medical Officer, to prove the nature of injury and treatment given by him.

3. On the other hand, learned State counsel assisted by learned counsel for the complainant submit that the petitioner has availed several effective opportunities to examine the witness namely Dr. Chirag, Medical Officer and argue no ground is made out to allow the petitioner to examine the said witness.

4. I have heard learned counsel for the parties and perused the record.

5. In the present case, the FIR was ordered to be registered on 20.04.2019 and the challan has already been presented before the trial Court. Thus, it is apparent that the proceedings of the trial are pending for the last more than 06 years. Thus, keeping in view the facts and circumstances of the present case, the present petition is allowed and the petitioner is afforded one effective opportunity to examine the said witness namely Dr. Chirag, Medical Officer or any other medical officer who replaced the said doctor, in case he has left the institute. The said witness may be examined through video conferencing as well as per Punjab and Haryana High Court rules and orders.

25.02.2025
M.Sikka

(H. S. GREWAL)
JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No