

122

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

**CRM-M-53838-2025 (O&M)**

Date of decision: 23.09.2025

Manish Adlakha and Another

..... Petitioners

Versus

State of Punjab and Another

.....Respondents

**CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL**

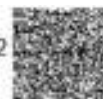
Present: Mr. Inderpreet Singh Kooner, Advocate  
for petitioners.

Mr. Kunwarbir Singh, AAG Punjab.

**SHALINI SINGH NAGPAL J.**

\*\*\*\*\*

1. Prayer in the petition under Section 528 of Bharatiya Nagrik Suraksha Sanhita, 2023 is for setting aside order dated 17.07.2025 of learned JMIC, Patiala in case titled 'State Vs. Manish Adlakha and Anr.'
2. Vide impugned order, learned JMIC, Patiala allowed the application under Section 311 Cr.P.C. for proving and placing on record original bills regarding entrustment of dowry articles to the accused.
3. Learned counsel for the petitioners submits that on complaint of respondent No.2, police registered the FIR only under Section 498-A IPC. Even the charge framed was under Section 498-A IPC and no charge under Section 406 IPC was framed. When complainant/respondent No.2 was examined as a witness, she did not state anything about bills of any dowry articles. However, when PW2 Baljeet Kaur was being examined, prosecution tried to cover up the lacunae in trial and tried to introduce Section 406 IPC by moving an application under Section 311 Cr.P.C. for bringing on record forged and fabricated bills. Learned trial Court, vide impugned order, allowed the application under Section 311 Cr.P.C. illegally as the documents were neither essential for just decision of the case nor could be brought on



file without a charge under Section 406 IPC.

4. Hon'ble Supreme Court in **U.T. of Dadra and Nagar Haveli and Anr. vs. Fatehsinh Mohansinh Chauhan- 2006 (7) SCC 529**, elucidated as under:-

*"15. A conspectus of authorities referred to above would show that the principle is well settled that the exercise of power under Section 311 CrPC should be resorted to only with the object of finding out the truth or obtaining proper proof of such facts which lead to a just and correct decision of the case, this being the primary duty of a criminal court. Calling a witness or re-examining a witness already examined for the purpose of finding out the truth in order to enable the court to arrive at a just decision of the case cannot be dubbed as "filling in a lacuna in the prosecution case" unless the facts and circumstances of the case make it apparent that the exercise of power by the court would result in causing serious prejudice to the accused resulting in miscarriage of justice."*

5. In **Iddar & Ors. vs. Aabida & Anr.- AIR 2007 SC 3029**, the object underlying under Section 311 Cr.P.C., has been stated as under:-

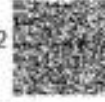
*"11. The object underlying Section 311 of the Code is that there may not be failure of justice on account of mistake of either party in bringing the valuable evidence on record or leaving ambiguity in the statements of the witnesses examined from either side. The determinative factor is whether it is essential to the just decision of the case. The section is not limited only for the benefit of the accused, and it will not be an improper exercise of the powers of the court to summon a witness under the section merely because the evidence supports the case for the prosecution and not that of the accused. The section is a general section which applies to all proceedings, enquiries and trials under the Code and empowers Magistrate to issue summons to any witness at any stage of such proceedings, trial or*



*enquiry. In Section 311 the significant expression that occurs is 'at any stage of inquiry or trial or other proceeding under this Code'. It is, however, to be borne in mind that whereas the section confers a very wide power on the court on summoning witnesses, the discretion conferred is to be exercised judiciously, as the wider the power the greater is the necessity for application of judicial mind."*

6. Even though the police has not invoked Section 406 IPC while forwarding report under Section 173 Cr.P.C. and no charge under Section 406 IPC has been framed by the trial Court, the Court cannot lose sight of the fact that the complaint which formed the basis of the FIR specifically alleges that during the time and course of the marriage, including the phases before and in preparation of the marriage, during the marriage, and after the marriage, the complainant acquired her istridhan and other gift articles, which the accused were entrusted with and were requested to hand over the same to the applicant for her use at her matrimonial house. The list of articles was annexed as Annexure-A with the complaint. The complainant further alleges that the articles given to the applicant by her mother were procured/ prepared at Patiala based on various conversations with the accused and in keeping with their wishes. The mother of the applicant (who is widow of an army officer, and resident of 154 NEW OFFICERS COLONY PATIALA) spent more than Rs. 20 Lacs on the marriage of the applicant. All the expenses were borne by the applicant's mother.

7. Still further, in para No.26, complainant alleged that she was made to get out of her matrimonial house, which is her shared household, in just three clothes in the most recent incident of 7-Dec-2016 by the accused who have retained all her Istridhan barring a bag she was able to pack when her brother arrived to pick her.



8. Given the allegations in the complaint which formed the basis of the FIR, there does not appear to be any material illegality committed by learned JMIC, Patiala while allowing the application under Section 311 Cr.P.C. for bringing on record original bills regarding the dowry articles as mentioned in the list Annexure A-1. There is no patent error in the order under challenge requiring interference in revision.

9. Petition stands dismissed.

10. Pending applications, if any, stand disposed of.

**(SHALINI SINGH NAGPAL)**  
**JUDGE**

**23.09.2025**  
Sumit Singla

Whether Speaking/Reasoned : Yes/No  
Whether Reportable : Yes/No