

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-52543-2023 (O&M)

Date of Decision: 08.05.2025

Karanjit Singh

... Petitioner

VS.

State of Punjab & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. SS Grewal, Advocate for the petitioner

Mr. JS Rattu, DAG Punjab

Mr. Naresh Jain, Advocate for the complainant

Sandeep Moudgil, J.

(1). This petition under Section 482 CrPC for quashing the operative part of the order dated 17.08.2023 passed by Addl. Sessions Judge, Moga vide which the petitioner's application under Section 311 CrPC read with Section 91 CrPC with a prayer for recalling PW1 HC Chamkaur Singh and PW3 ASI Sikandar Singh and fresh summoning of DSP BS Bhullar, Inspector Jaswant Singh and Ritesh Lucky News Reporter as necessary witnesses in case FIR No.27 dated 08.03.2021 under Sections 302/307 IPC and Section 27 of Arms Act, registered at Police Station Kot Ise Khan, District Moga, has been rejected. A further prayer has been made to allow the petitioner to re-examine the above-said witnesses.

(2). Briefly stated that the saali (sister in law) of the petitioner is married to respondent No.2 –Jagwinder Singh @ Gurwinder Singh @ Ghali who is already married and a divorcee. However, against the wishes of respondent No.2, his daughter, born out of the wedlock with his first wife performed marriage with the son of the petitioner due to which respondent

No.2 kept grudge against petitioner and his wife and he even attacked them several times for which FIR No.83 dated 20.12.2011 under Sections 341/325/148/149/120-B/308 IPC was registered at PS Tarsika, District Amritsar against the respondent No.2. This led to constant pressure and threat at the hands of respondent No.2 to the petitioner. Respondent No.2 even filed criminal complaint wherein the petitioner and his wife were summoned by JMIC, Moga and on 08.03.2021, the petitioner sought and was provided security to attend the court proceedings and thereafter, when the petitioner was returning after deposing in Court, respondent No.2 chased and attacked the petitioner wherein respondent No.2 fired shot with his 315 bore rifle which hit the abdomen of the petitioner's wife due to which she died. However, respondent No.2 was caught hold by HC Chamkaur Singh and a fire shot also hit on the left eye of HC Chamkaur Singh. Many people gathered there started making videos and DSP BS Bhullar, Inspector Jaswant Singh and media reporters also reached at the spot. Hence the present FIR was lodged.

(3). Learned counsel for the petitioner submits that the recalling of PW-1 HC Chamkaur Singh and PW-3 ASI Sikandar Singh is very essential since during examination of the above said prosecution witnesses before the trial court on 11.4.2022, the Public prosecutor did not put any question regarding the identification of the accused present in the court at the time of their examination as prosecution witnesses and as such, the above mentioned witnesses neither refused nor identified the accused persons present in the court.

(4). It is argued that the DSP B.S. Bhullar, Inspector Jaswant Singh SHO Police Station City Moga and Ritesh Lucky News reporter are equally

important and material witnesses to be examined in the above mentioned case because these officials had intercepted the respondent No.2 along with weapon used in the crime at the place of occurrence on 08.03.2021. He submits that these factual chain of events and evidence have been distorted and fabricated by the investigating officer intentionally and deliberately to favour respondent No.2.

(5). On the other hand, learned State counsel on the basis of the status report dated 14.10.2024 narrated the facts and then submitted that during the investigation on 09.03.2021, respondent No.2 was arrested and on 10.03.2021, he got recovered the .315 bore gun along with magazine used by him in the crime along with 2 live cartridges under Section 27 of Evidence Act followed by the arrest of Jagdeep Singh on 12.03.2021. He further submits that challan against respondent No.2 and Jagdeep Singh was presented on 29.05.2021 and charges were framed on 13.09.2021. As far as the prayer made in the present petition is concerned, learned State counsel submits that the officials sought to be recalled for their examination are only connected or concerned with the case in hand and hence are not the necessary witnesses.

(6). Having heard learned counsel for the parties this Court do not find any error in the judgment passed by the trial court for the reason that in view of the factual circumstances of the present case, it is the petitioner only whose testimony would be essential for the just decision of the case. It may be true that when the petitioner-complainant appeared as PW-12, he could not support prosecution case apparently for the reason that he was under constant perception of life threats at the hands of respondent No.2 and due to that reason, he could not speak the truth. It is equally true that the petitioner and

accused respondent No.2 are closely related to each other and that being so, the petitioner has deposed and duly identified respondent No.2 to be accused person and in this factual backdrop, the order of trial court in allowing re-examination of PW-12 Karanjit Singh – the petitioner only, being necessary for just decision of the case is justified.

(7). Further, it has come on record that both HC Chamkaur Singh and ASI Sikander Singh sought to be recalled had already deposed and their statements were recorded wherein they have not supported the prosecution version on some aspect. The trial court has rightly observed that the prosecution has no right to recall the witnesses merely because they did not support the prosecution version. Besides, DSP B.S. Bhullar and SHO of Police Station City Moga namely Inspector Jaswant Singh are shown in the video clip as arresting the respondent No.2, but they were not part of the investigation as these officials have not been cited as witnesses in report under Section 173 Cr.P.C. No exception can be taken to the view of the trial court as there remains hardly any ground with the petitioner to summon them as they have not been cited as witnesses for their examination.

(8). In view of the above discussion, there is no ground made out by the petitioner for this Court to interfere with the order dated 17.08.2023 passed by the trial court.

(9). Accordingly, this petition is dismissed.

08.05.2025
V.Vishal

(Sandeep Moudgil)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No