

CNR No: PBAS030091182015      CIS No: CHI/585/2016  
State VS Shaffy Bhatia etc.

Present: Ms. Navdeep Kaur, APP for the State.  
Accused on bail with counsel Sh. Sanjeev Mahajan,  
Advocate.

This order of the court shall dispose of an application under  
Section 311 Cr.P.C. moved by the applicant/accused.

2. It is submitted in the application that the applicant/accused was having the professional service of Sh. Satnam Singh, Advocate who has given up one defence witness namely Dr.Harmeet Singh, ENT, who is a Government Doctor. It is further stated that the reason is unknown to the applicant that why the said material witness was given up by the previous counsel of the accused, who is basic pillar of defence of applicant/accused. The examination of the said witness is required to be examined. The applicant/accused further prayed that the application may please be allowed in the interest of justice.

3. In reply to the said application, the learned APP for the State stated that defence witness Dr.Harmeet Singh, ENT, was given up by the previous counsel of the accused and now they again want to recall this witness only to linger on the present case. She further denied all the averments made by the applicant/accused in the application and prayed for the dismissal of the same.

4. I have heard Ld. Counsel for both the parties who argued on the lines of their version as pleaded by them in the application and reply and with their able assistance have gone through the file carefully. It is imperative that the invocation of section 311 CrPC in a particular case is ordered only by bearing in mind the object and purpose of the said provision namely for achieving a just decision of the case. The applicant/accused wants to call and examine Dr.Harmeet Singh, ENT, who is a Government Doctor. It is pertinent to mention here that previous counsel for applicant/accused has already given up above said witness Dr.Harmeet Singh, ENT. Now the applicant/accused wants to examine the doctor as this witness is material witness. Under these circumstances, still considering the cardinal object and purpose of section 311 CrPC i.e. so as to achieve just decision of the case, the application is allowed. Now DW Dr.Harmeet Singh, ENT, be summoned for **06.02.2024** at the own responsibility of applicant/accused. Dasti be taken.

Nothing stated hereinabove shall have any effect on merits of the case.

Date of Order: 09.01.2024  
*Komal Stenographer Gr.II*

(Dr. Gurdarshan Singh)  
Judicial Magistrate First Class  
UID NO . PB0504