



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

**CRR-2230-2025(O&M)
Date of Decision :15.01.2026**

Harwinder Singh

.....Petitioner

VERSUS

State of Punjab and another

....Respondents

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr.B.R.Rana, Advocate for the petitioner.

MANDEEP PANNU J. (Oral)

1. The present criminal revision petition has been filed by the petitioner, Harwinder Singh, challenging the impugned order dated 19.07.2025 passed by the learned Judicial Magistrate Ist Class, Jagraon, whereby an application moved under Section 311 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'Cr.P.C') by respondent No.2/complainant seeking permission to tender a pen drive along with certificate under Section 65-B of the Indian Evidence Act, 1872, during his examination-in-chief has been allowed.

2. Briefly stated, the prosecution case pertains to FIR No. 17 dated 16.02.2020 registered under Sections 420, 406, 294 and 506 IPC, at Police Station City Raikot. During the course of trial, the complainant moved an application under Section 311 Cr.P.C. stating that earlier a CD containing the recorded conversation had been produced, however, the same had become unreadable. It was pleaded that the complainant had recorded the conversation on his mobile



phone and that in order to adduce proper electronic evidence, he be permitted to produce the pen drive containing the said conversation along with a certificate under Section 65-B of the Indian Evidence Act. The learned trial Court, after hearing both sides, allowed the said application while observing that no prejudice would be caused to the accused as full opportunity of cross-examination would be available.

3. Aggrieved thereof, the petitioner has preferred the present revision petition. The contention of the learned counsel for the revision petitioner is that the learned trial Court has erred in allowing the application under Section 311 Cr.P.C. as the provision is meant only for summoning, recalling or re-examining witnesses and not for permitting production of documents or electronic records. It has further been contended that the complainant is attempting to fill up lacunae in the prosecution case and that the authenticity of the pen drive is doubtful. According to the petitioner, the impugned order suffers from illegality and perversity and deserves to be set aside.

4. Notice of motion

5. Mr. M.S.Toor, Assistant Advocate General, Punjab, has appeared on behalf of the respondent-State, accepted notice and opposed the revision petition. It has been submitted that the impugned order has been passed after due application of mind and that Section 311 Cr.P.C. confers wide powers upon the Court to ensure a just decision. It is further submitted that no prejudice is caused to the accused as the defence shall have full opportunity to challenge the electronic evidence during trial.



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

7. Section 311 Cr.P.C. empowers the Court, at any stage of inquiry, trial or other proceedings, to summon any person as a witness, or to recall and re-examine any person already examined, if his evidence appears to the Court to be essential for the just decision of the case. The provision is couched in the widest possible terms and casts a duty upon the Court to arrive at the truth and render a just decision. The object of the provision is not to benefit either the prosecution or the defence, but to enable the Court to discover the truth.

8. It is well settled that the power under Section 311 Cr.P.C. is discretionary and is to be exercised judiciously. The mere fact that the evidence sought to be brought on record may strengthen the prosecution case or that it was not produced earlier is not, by itself, a ground to reject an application under Section 311 Cr.P.C. The test to be applied is whether the evidence sought to be adduced is essential for the just decision of the case. The Court is also required to ensure that no serious prejudice is caused to the accused, and such prejudice is adequately safeguarded by granting full opportunity of cross-examination.

9. In the present case, the learned trial Court has specifically recorded that the CD earlier produced had become unreadable and that the pen drive along with the requisite certificate under Section 65-B of the Indian Evidence Act is being permitted to be produced during



examination-in-chief. The learned Magistrate has further safeguarded the rights of the accused by observing that the objections regarding authenticity and admissibility shall be subject to trial and cross-examination. Such an approach cannot be said to be illegal or perverse.

10. The contention of the petitioner that Section 311 Cr.P.C. cannot be invoked for production of electronic evidence is misconceived. When a witness is permitted to be examined or recalled, the production of material relevant to his testimony is incidental to the exercise of such power, provided the Court is satisfied that the same is necessary for a just decision. The question of genuineness, reliability and evidentiary value of the pen drive is a matter to be adjudicated at the stage of appreciation of evidence and cannot be a ground to reject the application at the threshold.

11. This Court does not find that the learned trial Court has exercised jurisdiction not vested in it, or has acted with material irregularity. The impugned order reflects proper application of mind and is in consonance with the settled principles governing Section 311 Cr.P.C. No prejudice of an irreversible nature has been shown to have been caused to the petitioner.

12. In view of the foregoing discussion, this Court finds no illegality, infirmity or perversity in the impugned order dated 19.07.2025 passed by the learned Judicial Magistrate Ist Class, Jagraon.

13. Accordingly, the present revision petition is dismissed.



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14. Pending application(s), if any, is/are disposed of.

January 15, 2026
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(MANDEEP PANNU)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No