

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

Crl. Misc. No.M-22651 of 2015 (O&M)

Date of Decision: July 15, 2015.

RAVINDER SINGH

.....PETITIONER(s).

VERSUS

OMESH KUMAR

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Navdeep Chhabra, Advocate
for the petitioner (s).

SURINDER GUPTA, J.(Oral)

Learned counsel for the petitioner submits that the application filed by petitioner under Section 311 Cr.P.C. to recall the complainant to confront him with his recorded conversation was dismissed on the ground that he has not produced any recording or the particulars of the alleged recording before the Court or have given the details as to who recorded the conversation.

Learned counsel for the petitioner seeks permission to withdraw this petition with liberty to file a fresh application with required details and documents.

In view of the submissions made by the learned counsel for the petitioner this petition is dismissed as withdrawn. However the petitioner will be at liberty to file fresh application under Section 311 Cr.P.C. subject to payment of ₹5,000/-(Five thousand) to the respondent. If fresh application under section 311 is moved, the same will be decided on merit irrespective of dismissal of earlier application.

However, it is made clear that nothing expressed in this order will be treated as an opinion of this Court on merit of the case or submissions of petitioner at the time of deciding the application, the petitioner intends to file before trial Court.

**(SURINDER GUPTA)
JUDGE**

July 15, 2015.

TSG