

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

**Crl. Misc. No. M-34353 of 2014
Date of Decision: 20.10.2015.**

Harpreet Singh @ Rubby

.....Petitioner

Vs.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Surinder Garg, Advocate
for the petitioner.

Mr. J.S.Sekhron, AAG, Punjab

Mr. Aman Dhir, Advocate
for respondent No. 2.

.....

SABINA, J.

Petitioner has filed this petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.' for short) challenging the order dated 8.9.2014 (Annexure P-3) whereby application moved by the petitioner under Section 311 Cr.P.C. for recalling the witnesses, was dismissed.

I have heard the learned counsel for the parties and the learned State counsel and have gone through the record available on the file carefully.

Petitioner is facing trial under Section 450, 326, 323, 34 of the Indian Penal Code, 1860. When the case was fixed before the Trial Court for defence evidence of the accused, petitioner moved an application under Section 311 Cr.P.C. for recalling PW-1, PW-2 and PW-3 for further cross-examination.

Vide the impugned order, the said application was dismissed by

the Trial Court. Hence, the present petition by the petitioner.

Section 311 Cr.P.C. reads as under:-

“311. Power to summon material witness, or examine person present.

Any Court may, at any stage of any inquiry, trial or other proceeding under this Code, summon any person as a witness, or examine any person in attendance, though not summoned as a witness, or recall and re-examine any person already examined; and the Court shall summon and examine or recall and re-examine any such person if his evidence appears to it to be essential to the just decision of the case.”

Thus, in view of the above provision, the Court may at any time recall a witness if it serves the ends of justice.

In the present case, petitioner wants to recall PW-1 Rahil Kumar, PW-2 Sahil Kumar and PW-3 Balish Kumar for further cross-examination to enable the petitioner to confront them with their interview given to Press Reporter of Time TV. The application moved by the petitioner was rightly dismissed by the Trial Court as the petitioner was required to put to the witnesses the said interview at the time of their cross-examination. The occurrence had taken place on 1.7.2009. The application for recalling the witnesses was made when the case was listed for defence evidence i.e. after about five years. Moreover, any interview given by the witnesses before the

Press Reporter may not be relevant for the just decision of the case.

No ground for interference is made out.

Dismissed.

**(SABINA)
JUDGE**

October 20, 2015
Gurpreet