

CRM-M-34745-2015

[1]

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

CRM-M-34745-2015 (O&M)
Date of decision: 09.10.2015

Mukhtiar Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Nakul Sharma, Advocate,
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 27.07.2015, whereby application moved by the prosecution under Section 311 of Criminal Procedure Code, 1973 (Cr.P.C. for short) was dismissed.

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

In a cross version registered in FIR No.169 dated 02.09.2008, under Sections 325, 324, 323, 148 and 149 of Indian Penal Code, 1860, at police Station Guruharsahai, District Ferozepur, petitioner was examined as PW-3. After his examination-in-chief, application under Section 319 Cr.P.C. was moved for summoning Jagtar Chand and Mangat

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[2]

Ram as additional accused. The said application was allowed. Thereafter, petitioner appeared in the witness box as PW-1 and did not support the prosecution case and was declared hostile. After about three months prosecution moved an application under Section 311 Cr.P.C. for recalling the petitioner as a witness. The case of the petitioner was that he could not correctly make a statement on 17.10.2014 as he was under constant threat from accused persons. The plea taken by the petitioner that he was under threat on 17.10.2014 from the accused persons, fails to inspire confidence. It is a case of version and cross version. Father of the petitioner is an accused in the FIR registered at the instance of accused party in the present case.

In these circumstances, learned court of revision rightly held that there was no ground to allow the application moved by the prosecution under Section 311 Cr.P.C. for re-examination of the petitioner. No ground for interference by this Court is made out.

Dismissed.

October 09, 2015
kapil

(SABINA)
JUDGE