

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM No.M-35692 of 2015****Date of Decision: October 16, 2015**

Virender

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGHPresent: Mr.Jai Vir Yadav, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of order dated 28.09.2015 passed by learned Addl. Sessions Judge, Jind vide which an application under Section 311 Cr.P.C. filed by the petitioner-accused has been dismissed.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that an application under Section 311 Cr.P.C. was moved by applicant-accused Virender through counsel for recalling PW-1 Ram Mehar complainant and PW-2 Surender for further cross-examination on the averments that complainant Ram Mehar has got this false case registered against the applicant-accused due to misunderstanding and due to mistaken facts. It is further in the application that both these witnesses Ram

Mehar and Surender have now realized their mistake and they want to tell the truth before the Court.

Learned Addl. Sessions Judge, Jind, vide order dated 28.09.2015, dismissed the application.

From the record, I find that PW-1 Ram Mehar, complainant and PW-2 Surender have already been examined and cross-examined in the trial Court. Now the accused wants to recall them for further cross-examination by stating that they have got registered the FIR under misunderstanding and now they have realized their mistake, which means that due to one or other reason i.e. by compromise or by putting pressure upon the witnesses, the accused wants to recall them in the Court, so that they may now reiterate the statements whatever given by them in the evidence. Such type of practice cannot be allowed. The provisions of Section 311 Cr.P.C. are not meant for this purpose. Therefore, no ground is made out for recalling PW-1 and PW-2. In no way, the order dated 28.09.2015 passed by learned Addl. Sessions Judge, Jind can be held against the law or amounts to miscarriage of justice.

Therefore, finding no merit in the present petition, the same is dismissed.

October 16, 2015
Vgulati

(INDERJIT SINGH)
JUDGE