

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

Crl. Misc. No.M-37031 of 2015 (O&M)

Date of Decision: 30.10.2015

Satbir Singh

.. Petitioner

Vs.

State of Haryana

.. Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present:- Mr.M.P.S. Chandel, Advocate
for the petitioner.**

ANITA CHAUDHRY, J.

The petitioner is facing prosecution in a case registered under the Prevention of Corruption Act.

Prosecution has concluded its evidence; statement of the accused under Section 313 Cr.P.C. has also been recorded and the case is now stated to be fixed for defence evidence.

The petitioner had filed an application seeking re-examination of the complainant PW1 Karambir. By virtue of order dated 03.10.2015, the application has been dismissed. Aggrieved with the same, instant petition.

The operative part of the impugned order reads as under:-

"5. In the present case, the complainant Karambir was examined as witness that is PW1 on

8.5.2014. He has been cross-examined at length by Id. counsel for the accused. Further, the prosecution has already conclude its evidence. The statement of accused under section 313 Cr.P.C. has already been recorded. Further, it has nowhere been mentioned in the application as to what material questions are to be asked from Karambir (PW1) in his cross examination."

A perusal of Annexure P-3 i.e. application for re-examination of the complainant reveals that nothing was mentioned therein as to in what context the counsel wanted to get the complainant cross-examined. During the course of arguments, a query was made by this Court and the counsel had stated that the petitioner wanted to confront the complainant with some previous complaints and enquiries pertaining to the year 1994 onwards. It is not the case of the petitioner that the facts which he wanted to confront to the complainant were not in his knowledge earlier. The complainant was examined on 08.05.2014, but immediately thereafter no attempt was made to seek permission to re-examine the complainant. When the trial is at fag end and the case is fixed for defence evidence, accused has filed the application under Section 311 Cr.P.C. It appears that it is only to fill up the lacuna or delay the case, which cannot be permitted.

For the reasons above, there is no illegality or perversity in the impugned order. The petition is dismissed.

October 30, 2015
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(ANITA CHAUDHRY)
JUDGE