

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

C.R.R No.3681 of 2015

Date of Decision : 03.12.2015

Dinesh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. M.S. Randhawa, Advocate
for the petitioner.

Mr. S.S. Pannu, D.A.G, Haryana.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

By this revision the petitioner has challenged the order dated 16.09.2015 passed by the trial Court under Section 311 Cr.P.C. recalling certain witnesses for further examination.

Reply filed by Rajesh Kumar, HPS, DSP (HQ), Narnaul, District Mahendragarh, Haryana is taken on record. Copy has been supplied.

The grouse of the petitioner is that no opportunity was granted to the petitioner in defence to oppose the said application and rather the trial Court erroneously observed that no objection has been granted.

Learned counsel for the petitioner has placed on record the

affidavit of the trial Court counsel also to the effect that he has never given no objection. Learned counsel for the petitioner has argued that the observation of the trial Court seems to have been resulted by some bonafide error. He has further argued that the Court would have full competence to recall any witness but the only limited relief which the petitioner is seeking that he be allowed to oppose the same.

Learned Deputy Advocate General has argued that though normally it is the accepted principle that judicial officer cannot be doubted yet in the facts and circumstances of the case and to ensure that justice must not only be done but it must be seen to be done, he would not oppose the prayer made by learned counsel for the petitioner.

In the circumstances, the impugned order is set aside and the trial Court is directed to grant one more opportunity to the petitioner to oppose the application under Section 311 Cr.P.C.

Petition stands allowed.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

December 03, 2015

ashish

**(AJAY TEWARI)
JUDGE**