
In the High Court of Punjab and Haryana at Chandigarh.

CRR-4323-2015

Date of Decision: 06.11.2015

Gurmukh Gir

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. G.S. Sidhu, Advocate,
for the petitioner.

SABINA, J.

Petitioner has filed this petition challenging the order dated 07.01.2015, whereby, petitioner was declared hostile.

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

Accused Rajiv Kumar is facing trial in FIR No.112 dated 06.08.2014, under Section 302 of Indian Penal Code, 1860, registered at Police Station Julkan, District Patiala. Petitioner was examined as PW-1. A perusal of Annexure P-2 reveals that in examination-in-chief, petitioner had deposed qua the manner of occurrence. Examination-in-Chief of the petitioner was partly recorded on 24.12.2014 and was

deferred as he had stated that he was not feeling well. Thereafter petitioner again appeared in the witness box on 07.01.2015 and stated that he was not present at the spot when the articles belonging to the deceased were taken in possession and stated that his signatures had been obtained by the police on 06.08.2014 while sitting in the Police Station. Since, the petitioner had denied the recovery of the articles of the deceased in his presence, learned Public Prosecutor requested that the petitioner be declared hostile and the said request was allowed by the Court. Petitioner denied his statement 'Mark A' recorded by the police on 06.08.2014. He also denied the contents of recovery memos Exhibit PW-1/B to Exhibit PW1/D. When the petitioner was examined by the learned Public Prosecutor, he had denied the fact that he had made statement 'Mark A' and the execution of memos Exhibit PW1/B to Exhibit PW1/D.

In these circumstances, although, the memos were duly signed by the petitioner but he has denied the execution of the same, hence, petitioner had been rightly declared hostile to this extent. No ground for interference by this Court, is made out.

Dismissed.

November 06, 2015
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(SABINA)
JUDGE