

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM No.M-11124 of 2016 (O&M)**
Date of Decision: March 31, 2016

Ranjit Yadav

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGHPresent: Mr.Kawaljyot Singh, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of the order dated 05.03.2016 passed by learned Sessions Judge, Jalandhar, vide which the application under Section 311 Cr.P.C. filed by the petitioner for recalling PW-1 Sh.Uday Yadav and PW-2 Smt.Bhagwani was dismissed.

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

From the record, I find that during the trial, an application was filed under Section 311 Cr.P.C. by the accused to recall PW-1 Uday Yadav and PW-2 Bhagwani for further cross-examination. It is alleged in the application that accused was in custody, so proper instructions could not be given by him to this counsel, as such, material questions could not be asked to the witnesses in their cross-examination. The application was contested by the Public Prosecutor.

Learned Sessions Judge, Jalandhar, vide order dated 05.03.2016

dismissed the application.

I have gone through the order dated 05.03.2016 passed by learned Sessions Judge, Jalandhar. The order is as per law. In no way, this order can be held as perverse. The statements have been recorded in the presence of the accused and there is no question that accused could not give proper instructions. Furthermore, engaging of new counsel at the time of defence evidence is no ground for recalling the PWs for further cross-examination. Learned Sessions Judge, Jalandhar has also relied upon the law laid down by the Hon'ble Supreme Court in **AG vs. Shiv Kumar Yadav, 2015(4) RCR (Criminal) 312**, correctly.

Moreover, even at the time of arguments, learned counsel for the petitioner failed to tell as to what material question could not be asked which the accused wanted to put to the witnesses. Learned Sessions Judge, Jalandhar has gone through the record and held that all the prosecution witnesses have been cross-examined at length and adequate opportunities have also been given to the accused through his counsel to cross-examine the witnesses.

From the perusal of the record, I find that no illegality has been committed by learned Sessions Judge, Jalandhar while passing the impugned order. The order dated 05.03.2016 is correct, as per law and does not require any interference from this Court.

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

March 31, 2016

Vgulati

**(INDERJIT SINGH)
JUDGE**