

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM No.M-14369 of 2016(O&M)****Date of Decision: April 28, 2016**

Jagjiwan Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Lakhwinder Singh Sidhu, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against respondent State of Punjab for quashing of order dated 05.12.2015 passed by learned learned Addl. Sessions Judge, Mansa, vide which the application under Section 311 Cr.P.C. filed by the petitioner for recalling of Investigation Officer for further cross-examination was dismissed.

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

From the record, I find that PW-1 ASI Jaswant Singh has been examined-in-chief on 20.10.2012 and he was cross-examined in detail on 09.11.2012. The prosecution has already closed the evidence and the statement of the accused under Section 313 Cr.P.C. has been recorded on 22.05.2013 as per Annexure P-3. Even on

05.08.2013, one DW has been examined by the accused as per Annexure P-4. An application was filed under Section 311 Cr.P.C. on 04.11.2014 by the present petitioner for recalling the Investigating Officer as some material questions could not be asked from him, which are necessary to be asked. Learned Addl. Sessions Judge, Mansa vide impugned order dated 05.12.2015, dismissed the application by discussing all these facts.

From the record, I find that, firstly there is nothing in the application as to which material questions could not be asked from the Investigating Officer. Secondly, there is nothing as to why the accused remained silent for such a long period and the application has been filed at belated stage i.e. after about two years of the examination of the witnesses.

Further, I find that the statement of the Investigating Officer has been placed on record as Annexure P-2. He has been cross-examined in detail. The case property was produced at the time of his cross-examination. At the request of the defence counsel, bulk parcel was allowed to be opened by the Court. Even, a suggestion was given to the Investigating Officer that name of company, batch number and date of manufacturing is mentioned on each and every vial.

Keeping in view the above facts and the fact that nothing has been mentioned in the application as to which material questions the petitioner wants to put to the Investigating Officer, I find that recalling of Investigating Officer is not necessary. The impugned order

dated 05.12.2015 passed by learned Addl. Sessions Judge, Mansa is correct, as per law and does not require any interference from this Court.

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

April 28, 2016
Vgulati

(INDERJIT SINGH)
JUDGE