

**IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.**

CRM-M-3588 of 2016

Date of decision: February 23, 2016

Mahesh Verma

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA**

Present: Mr. Arvind Singh, Advocate for the petitioner.  
Mr. Chetan Sharma, AAG, Haryana.

**Rajan Gupta, J. (oral)**

Present petition is directed against the order dated 26.10.2015, passed by Judicial Magistrate 1<sup>st</sup> Class, Ambala.

As the petitioner failed to conclude the cross-examination of PW-8, the court below rejected his application for recalling said witness namely, Karambir for concluding the cross-examination.

Learned State counsel has opposed the prayer. According to him, petitioner has been totally negligent in concluding the evidence and thus, trial court has rightly rejected his application.

However, keeping in view facts and circumstances of the case, it appears that plea of the petitioner deserves to be accepted. The power conferred by Section 311 Cr.P.C. is wide and can be exercised at any stage of the trial. It is, thus, directed that witness Karambir Singh would be recalled. Petitioner would get one opportunity to conclude his cross-examination. Impugned order is, thus, set-aside. Petition is allowed in these terms. The amount of Rs.10,000/- already deposited by the petitioner as costs, be remitted to the Haryana State Legal Services Authority.

**(RAJAN GUPTA)  
JUDGE**

February 23, 2016  
'Rajpal'