

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

(114)

CRM-M-40497-2016

Decided on: December 06, 2016.

Charanjit Singh @ Kala

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. D.S. Malwai, Advocate, for the petitioner.

M.M.S. BEDI, J (ORAL)

The petitioner has questioned the legality and propriety of order dated 04.10.2016 Annexure P-2 by virtue of which the trial Court has allowed application under Section 311 Cr.P.C to re-summon Veerbhan Sharma for further examination-in-chief.

Learned counsel for the petitioner has submitted that a great prejudice has been caused to the petitioner by allowing application of the prosecution under Section 311 Cr.P.C as certain improvements have been made by the witness which indicate that the exercise of powers under Section 311 Cr.P.C is an abuse of process of the Court.

I have heard learned counsel for the petitioner and found no illegality in the order dated 04.10.2016 passed by virtue of which the trial Court has recalled Veerbhan Sharma prosecution witness for further examination-in-chief besides enabling the petitioner to cross-examine him.

Learned counsel for the petitioner submits that right to get bail has also been prejudiced by the improved version which has been brought after recording of statement by re-summoning the witness.

The apprehension of learned counsel for the petitioner, is misconceived. It will always be open to the petitioner to independently claim his right under Section 439 Cr.P.C on merits, in case, prima facie no offence is made out against him on the basis of the material brought on the record.

This petition is dismissed with above observations.

(M.M.S. BEDI)
JUDGE

December 06, 2016

harsha

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No