

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

Crl. Misc. No. M-41237 of 2015

DATE OF DECISION: 04.04.2016

Bittu

.....Petitioner

Versus

State of Punjab and another

.....Respondents

**BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY**

1. **Whether reporters of local newspaper may be allowed to see judgment? (Yes/No)**
2. **To be referred to reporters or not? (Yes/No)**
3. **Whether the judgment should be reported in the Digest? (Yes/No)**

Present:- Mr. Munish Gulati, Advocate  
for the petitioner.

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**DAYA CHAUDHARY, J.**

The present petition has been filed under Section 482 Cr.P.C. for quashing of order dated 15.6.2015 passed by Additional Sessions Judge, Fazilka, whereby, the application moved by the petitioner under Section 311 Cr.P.C. for recalling of the witness has been dismissed.

Learned counsel for the petitioner submits that recalling of the witness is necessary for the just decision of the case. The prosecution examined respondent No.2 on 25.5.2015 but he was not cross-examined properly. Even examination-in-chief of respondent No.2 was completed in the absence of defence counsel. The case was called again at 3.45 pm. The defence counsel disclosed that the work was suspended due to bhog ceremony of uncle of one of the Advocates but the request of the counsel was declined and a short period of only 15 minutes was granted for his cross-examination. Learned counsel further submits that cross-examination of respondent No.2 is very necessary to falsify his deposition in the present case.

Heard the arguments advanced by learned counsel for the petitioner and have also perused the impugned order and other documents available on the file.

Admittedly, an application under Section 311 Cr.P.C. was moved by the petitioner on the ground that further cross-examination of respondent No.2, namely, Gurwinder Singh, investigating officer is necessary as sufficient time was not given to the defence counsel to cross-examine him. Although it was mentioned that there was a strike by the Bar Members due to Bhog ceremony of uncle of one of the Advocates and sufficient time was not given to cross-examine the witness but nothing has been brought on record to show that there was strike of District Bar Association, Fazilka on 25.5.2015. Even nothing was mentioned in the application as to how further cross-examination of the witness is necessary for just decision of the case. It has been mentioned in the impugned order that respondent No.2 was cross-examined on 25.5.2015 but no application was moved on the same day. Rather it was moved on the next date of hearing, which appears to be an afterthought. The application was moved on the ground that there was a strike and sufficient time was not given for cross-examination of the witness, whereas, it was found to be incorrect as there was no strike on that day.

Accordingly, in view of facts as mentioned above, there is no merit in the contentions raised by learned counsel for the petitioner and the impugned order does not require any interference by this Court and as such the petition being devoid of any merit is hereby dismissed.

April 04, 2016  
pooja

**(DAYA CHAUDHARY)**  
**JUDGE**