

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-44401-2016

Date of Decision:- 17.12.2016

Manpreet Singh and another

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Ranjan Lakhanpal, Advocate
for the petitioners.**

RITU BAHRI, J. (Oral)

Present petition is for quashing of order dated 02.12.2016 (Annexure P-2) whereby an application under Section 311 Cr.P.C. filed by the petitioners for recalling PW1 Parampreet Kaur, PW-5 Gurwinder Kaur and PW-9 Harun Masih, has been dismissed.

As is evident from the record that learned Additional Sessions Judge, Ludhiana, after taking into consideration the facts and all the contentions pertaining to appreciation of evidence, has dismissed the application, by virtue of impugned order dated 02.12.2016, which in substance is as under: -

“Now in the present case, as emerges on the facts, the witnesses have been cross examined about two years back and now after availing many opportunities for defense evidence, the accused changed the counsel

and moved application for recalling these witnesses. The facts clearly shows that the accused are lingering on the matter on one pretext or the other and they only want to harass the complainant and the witnesses. In absence of any specific plea as to on what point, the witnesses could not be cross-examined, no opportunity can be granted to further cross-examine the witnesses. The witnesses cannot be recalled for further cross examination. The application filed by accused/applicants is without merits and is malafide and the same is hereby dismissed.”

Meaning thereby, the learned Additional Sessions Judge, Ludhiana, has examined the matter in right perspective, recorded the cogent grounds and correctly dismissed the application filed by the petitioners.

Learned counsel for the petitioners did not point out any material/reasons, much less cogent, so as to warrant any interference in the impugned order.

Such order, containing valid reasons, cannot possibly be interfered with by this Court, in exercise of limited jurisdiction of this Court under Section 482 Cr.P.C., unless and until, the same is illegal, perverse and without jurisdiction. Since, no such patent illegality or legal infirmity has been pointed out by the learned counsel for the petitioners, so, the impugned order deserves to be and is hereby maintained in the obtaining circumstances of the case.

In the light of aforesaid reasons, as there is no merit, therefore, the instant petition is hereby dismissed as such.

December 17, 2016
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(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No