

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

**CRM No.M-9482 of 2016
Date of Decision: March 17, 2016**

Neeraj Chopra

.... Petitioner

vs.

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Ms. Satwant Mehta, Advocate for the petitioner.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Notice of motion.

Mr. Ashish Sanghi, DAG, Punjab accepts notice on behalf of the State.

Petitioner has challenged the order dated 10.02.2016 passed by learned Addl. Sessions Judge, Tarn Taran, whereby the application filed under Section 311 Cr.P.C. for recalling the witnesses, namely H.C. Mangal Singh and H.C. Ram Singh for further cross-examination was dismissed.

It is contended by learned counsel for the petitioner that the previous counsel had put only one simple suggestion to the said witnesses that they have deposed falsely and no other question was put to the said witnesses.

I have heard learned counsel for the petitioner and have also carefully gone through the case file.

During the course of arguments, learned counsel for the petitioner has pressed only qua further cross-examination of H.C.

Ram Singh, who is recovery witness.

A perusal of the copy of FIR (Annexure P-2) shows that H.C. Ram Singh had proved the recovery of some contraband from the accused-petitioner. The counsel for the accused-petitioner before the trial court had put only one suggestion to the the said witness that he was deposing falsely. No other question was put to him. H.C. Ram Singh being the recovery witness is a material witness, whose deposition is very material for the accused-petitioner to prove himself innocent. Practically, there was no cross-examination of H.C. Ram Singh at all.

In these circumstances, the impugned order is set aside qua H.C. Ram Singh only and he is ordered to be recalled for further cross-examination by the accused-petitioner.

Accordingly, the present petition is allowed to the abovenoted extent.

March 17, 2016
sarita

(KULDIP SINGH)
JUDGE