
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.112

CRR No. 1233 of 2016 (O&M)
DECIDED ON: March 30, 2016

VISHAVJIT SINGH @ BABBA

..PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

1. Whether Reporters of local papers 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?

Present: Mr. Achin Gupta, Advocate, for the petitioner.

JASPAL SINGH, J

Challenge in this petition to the order dated March 11, 2016, passed by learned Additional Sessions Judge, Faridkot, whereby an application under Section 311 Cr.P.C. for recalling of PW-4 Inspector Paramjit Singh for further cross-examination has been declined.

The contention of the learned counsel for the petitioner is that FIR No. 74, dated May 30, 2014, under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 was registered at Police Station Kotkapura Sadar, District Faridkot against the petitioner on the allegations that he was found in possession of 255 grams intoxicating powder without

any permit or licence.

After the completion of the investigation, report under Section 173 Cr.P.C. was presented and there take a proviso evidence appearing in the aforesaid documents and annexed with it, he was charged to face trial.

After the conclusion of the prosecution evidence, the case was listed for the defence evidence and thereafter on March 11, 2016 an application under Section 311 Cr.P.C. was filed by the petitioner for recalling PW-4 Inspector Paramjit Singh for further cross-examination.

The contention of the learned counsel for the petitioner is that the trial court failed to appreciate that PW4-Inspector Paramjit Singh who was earlier examined on February 18, 2016, could not be effectively cross-examined on some material points regarding recording of his statement under Section 161 Cr.P.C., which is essential for the just and proper disposal of the case and to bring some facts on the file which would help the learned trial court for the effective adjudication of the matter in controversy.

Undisputably, the fact of the matter is that PW-4 Inspector Paramjit Singh was earlier examined on February 18, 2016. He was subjected to a thorough, probed and lengthy cross-examination. Even after recording the statement of the PW-4, the case was listed for defence evidence when the application under Section 311 Cr.P.C. was moved by the petitioner. Since the counsel for the petitioner has already cross-examined. PW-4 Inspector Paramjit Singh at length, he cannot be recalled just on the ground that there is a change of counsel. And as such, the learned trial court has rightly dismissed the application, for the ground that petitioner intended to fill up the lacuna. Moreover, there is nothing on record to suggest that as

to what are the material questions which cannot be put to PW-4 Inspector Paramjit Singh earlier.

Thus, this court is of the considered view that the recalling of PW-4 Inspector Paramjit Singh is neither essential nor necessary for proper and just decision of the case. Rather, the application appears to have been filed just to delay the disposal of the trial. Finding no infirmity or illegality in the impugned order, the same is upheld and the instant petition being devoid of merit stands dismissed.

March 30, 2016

Ankur

**(JASPAL SINGH)
JUDGE**