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

CRM-M-3471 of 2017

Date of decision: February 13, 2017

Paramjit Singh alias Kaka

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Deepak Goyal, Advocate for the petitioner.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the petitioner.

Learned counsel for the petitioner vehemently argued that the impugned order on the application under Section 319 of Code of Criminal Procedure, 1973 was passed, which was filed at the behest of the prosecution as the cross-examination of PW4-Deepinderpal Singh was not made by the accused. At the most, it was the accused who could have applied for recalling him for cross-examination and not the prosecutor.

I have perused the impugned order so also the application filed by the prosecution for recalling/summoning PW-4 for cross-examination.

The objection raised by the learned counsel for the petitioner is misconceived since witness PW4, in the interest of justice, was required to be cross-examined by the accused and in fact, the accused should have applied. However, learned counsel contends that

the impugned order allows filling up of lacuna with which I do not agree. Ultimately, what is most important, is the interest of justice whether it is for prosecution or the defence. The prosecution wanted to be fair to the accused.

In the result, I find no merit in the petition.

Dismissed summarily.

(A.B. CHAUDHARI)
JUDGE

February 13, 2017

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No