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

CRM-M-41493 of 2016

Date of decision: August 28, 2017

Mahender Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

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

Present: Mr. Amit Sharma, Advocate for the petitioner.

Mr. Chetan Sharma, AAG Haryana.

Mr. Aman Pal, Advocate for respondents No.2, 4 and 5.

Mr. K.S. Malik-I, Advocate for respondent No.3.

A.B. CHAUDHARI, J (Oral)

What is impugned in the present petition is order dated 21.10.2016 (Annexure P-9), by which the learned trial Court declined to entertain the application filed by the complainant for recalling the witnesses as stated in the application.

Heard learned counsel for the rival parties.

I have gone through the application and the reasons given for recalling the witnesses mentioned in the application that itself was filed almost after one year of the recording of the examination-in-chief and cross-examination. Perusal of the impugned order shows that only role attributed by the learned trial Court is about delay in making that application. Apart from that, I have gone through the application to find out the reasons whether they are germane for making the request

for recall of the witnesses. What I find is that the application is silent about any explanation as to why re-examination was not sought at the appropriate time, namely, immediately after the cross-examination. Secondly, recalling the witnesses as it appears is for the purposes of declaring them hostile as in the examination and cross-examination, they appear to favoured the accused. But then appropriate care had to be taken by the prosecution as well as complainant to re-examine those witnesses immediately after the cross-examination. In that view of the matter, I do not think that any useful purpose would be served in interfering with the impugned order. The trial Court cannot be faltered for declining to recall those witnesses.

In that view of the matter, this petition stands dismissed.

(A.B. CHAUDHARI)
JUDGE

August 28, 2017

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No