

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8887-2017 (O&M)

Date of decision: July 04, 2017.

Rajiv Sachdeva

... **Petitioner**

v.

State of Punjab and others

... **Respondents**

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

Present: Shri Jagjit Singh, Advocate for the petitioner.

Ms. Samina Dhir, Deputy Advocate General, Punjab.

Shri Shaurya Puri, Advocate for respondents No.2 to 6.

Shri P.S. Ahluwalia, Advocate for respondents No.7 and 8.

A.B. Chaudhari, J. (Oral):

Heard learned counsel for the rival parties.

What is impugned in the present petition is the order asking the petitioner/witness/victim and one Neeraj Kumar to appear before the trial court for deposing about the prosecution case. The objection raised by Learned counsel for the petitioner is that number of years have passed and the petitioner as a witness was already cross examined and further cross examined and therefore there is no need now to exercise power under Section 311 Cr.P.C. and recall the petitioner as a witness. That apart, he submits that the accused persons are high ranking influential police officers and therefore, the petitioner has an apprehension that he would be made

hostile.

Upon hearing learned Counsel for the rival parties, I find that the decision of the Apex Court in Surinderjit Singh Mand and another v/s State of Punjab and another, 2016(3) RCR (Crl.) 654 was rendered only in the year 2016. Reading of the said decision, to my mind, the decision was rendered in regard to the changed scenario. In that view of the matter, the trial court was right in asking the petitioner to appear before it and that too with certain stipulations. In so far as the second aspect is concerned, the trial court shall take all steps to provide protection to the witness and as the case may be, should assure him that the accused persons would not tamper with the prosecution witnesses.

In that view of the matter, the petition is disposed of. The petitioner shall appear before the trial court and depose before the trial court as per the terms stipulated in the impugned order.

July 04, 2017.

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[A.B. Chaudhari]
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No