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Date of Decision: March 14, 2018

.....Petitioners

versus

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. M.S. Bajwa, Advocate for the petitioners.

Sudhir Mittal, J. (Oral)

The petitioner seeks quashing of order dated 21.12.2017 (Annexure P-4), whereby application under Section 311 Cr.P.C. to recall a witness for cross examination has been rejected.

I have read the examination-in-chief of the said witness namely H.C. Bharat Bhushan, which has been reproduced at Page 5 of the petition. He has deposed that the sample was handed over to him by the SHO, which was taken by him and delivered to the Chemical Examiner Kharar, with the seals intact. At the end of the statement, it is recorded ' Nil opportunity given'.

The above clearly shows that the defence counsel did not want to cross-examine H.C. Bharat Bhushan and therefore, the impugned order cannot be faulted. In any case, considering the nature of the examination-in-chief of the said witness, his cross-examination is not necessary. The learned trial Court has correctly observed in its order that the application has been filed only for the purpose of delaying the trial.

There is no merit in this petition and the same is dismissed.

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[SUDHIR MITTAL]
JUDGE