

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

**CRM-M-45937-2017
Date of decision: 13.07.2018**

Sarup Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vivek K. Thakur, Advocate
for the petitioner.

None for respondent No. 1.

Mr. A. S. Khinda, Advocate
for respondents No. 2 and 3.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for setting aside the order dated 07.11.2017, passed by the trial Court, vide which the application filed by the petitioner under Section 311 read with Section 91 of the Cr.P.C. for recalling of PW-2 Jasdeep Bajaj, Civil Ahlmad was dismissed in Sessions Case No. CHI/6297/2013 in FIR No. 87 dated 13.05.2016, registered under Sections 420, 467, 469, 471 and 120-B of the IPC at Police Station City, District Kapurthala.

Learned counsel for the petitioner submits that examination-in-chief of this witness, namely Jasdeep Bajaj, was recorded on 04.03.2014 and 22.03.2014, when the case was deferred for cross-examination. Learned counsel for the petitioner further submits that after the evidence was closed by the order of the Court, the petitioner came to know that the evidence of this witness is not complete as no cross-examination has been conducted by

the defence counsel and on that account, the statement will not be read in evidence and the documents, produced by him, will not be taken into consideration by the trial Court.

Learned counsel for the respondents No. 2 and 3 submitted that all these documents have already been produced on record by one Rakesh Kumar, Record Keeper (Judicial), Kapurthala and since these documents are already on record, there is no need for further cross-examination of PW-2 Jasdeep Bajaj.

I have heard learned counsel for the parties.

Since the parties are *ad idem* that the documents, as produced in the examination-in-chief by PW-2 Jasdeep Bajaj dated 04.03.2014 and 22.03.2014, have also been produced by witness Rakesh Kumar, Record Keeper (Judicial), Kapurthala, without commenting anything upon the merits of the case, this petition is disposed of and the trial Court is directed to treat the statement of PW-2 as complete and not to raise any objection with regard to the fact that the defence has not cross-examined this witness.

July 13, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No