

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

Crl. Revision No. 3195 of 2017 (O&M)
Date of decision: 3.7.2018

Satinderpal Singh @ Happy

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. MJS Bedi, Advocate,
for the petitioner.

Mr. V.G. Jauhar, Senior DAG, Punjab.

JAISHREE THAKUR, J.

1. The instant revision has been filed under Section 401 of the Code of Criminal Procedure seeking to challenge the impugned order dated 5.6.2017 passed by the Additional Sessions Judge, Bathinda, dismissing the application filed by the petitioner-accused herein for recalling of PW-1 Satnam Singh and PW-2 Naib Singh for further cross-examination.

2. In brief, the facts are that FIR No. 9 dated 3.3.2013 under Sections 304-B/34 IPC at Police Station Phul, District Bathinda, came to be registered against the petitioner and others herein. In the said FIR, it was stated that the marriage had been solemnized between Manpreet Kaur daughter of the complainant Satnam Singh with Satinder Pal Singh (present petitioner). At the time of marriage, sufficient dowry had been given,

according to the capacity of the complainant. However, being dissatisfied with the dowry given, the daughter of the complainant was harassed and humiliated. His daughter came back to her parental home on several occasions but she was sent back to her matrimonial home with the hope that she would be rehabilitated therein. There was a specific mention in the FIR that Satinder Pal Singh (son-in-law of the complainant) had raised a demand of ₹10,000/- to purchase a motorcycle. In the FIR, it was mentioned that the complainant received information that he should reach Phul and when he reached there, he found the dead body of his daughter lying on the bed. A specific allegation was made by the complainant that his daughter has been murdered by her in-laws family members, namely, Satinderpal Singh @ Happy (Husband), Lakhi brother-in-law (Devar), Jaswinder Kaur (mother-in-law) and Jeet Kaur (Grand mother-in-law) on account of bringing insufficient dowry.

3. In the trial, the prosecution examined PW-1 Satnam Singh and PW-2 Naib Singh and these witnesses were cross-examined. Thereafter, an application was preferred by the petitioner-accused seeking to recall those witnesses for further cross-examination. Replies were filed to the said application by both the State as well as the complainant. The application was opposed by the State by submitting that examination had been conducted and ample opportunity had been given to cross-examine the witnesses by the counsel for the defence, namely the petitioner herein and the said application had been filed only to delay the proceedings, whereas both the PWs sought to be summoned for recalling raised no objection if

they were recalled. The learned Additional Sessions Judge, Bathinda, declined the said application, which led to the filing of the instant revision.

4. Learned counsel appearing on behalf of the petitioner submits that the witnesses ought to be recalled as material questions could not be put to them at the relevant time.

5. Per contra, learned counsel for the respondent—State opposes the prayer for recalling of the witnesses on the ground that there is no infirmity in the impugned order so passed.

6. I have heard learned counsel for the parties and have also perused the pleadings on the record.

7. The only question that needs to be addressed is, whether the petitioner's prayer for recalling should be allowed at this stage. Learned Additional Sessions Judge, Bathinda, while dismissing the application for recalling the witnesses clearly noted that the witnesses that have been sought to be summoned have been examined thoroughly and enough opportunity had been given to the petitioner to cross-examine them and that the application has been filed with a malafide intention, when the case was ready for disposal since only the statement under Section 313 of the Code of Criminal Procedure remains to be recorded.

8. A bare perusal of the file does not reflect as to what are the material questions that need to be posed to the witnesses. There is nothing to show that adequate opportunity had not been given to the petitioner herein to cross-examine the witnesses. Neither is there anything available on the record to show what material has been made available to them after

cross-examination had been completed, which would be the defence relevant for the disposal of the case. In such circumstances, this court finds no infirmity in the impugned order so passed and consequently, the revision petition is dismissed being devoid of merit.

3.7.2018
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No