

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR No. 67 of 2018 (O&M)

Date of decision : 12.1.2018

...

Avtar Ram @ Tari

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Charanpreet Singh, Advocate for the petitioner.

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H. S. Madaan, J. (Oral)

This revision petition is directed against order dated 6.12.2017 passed by Additional Sessions Judge, SBS Nagar, vide which the application moved by the petitioner accused, for recalling of prosecution witnesses MHC, SHO and the Investigating Officer, to cross examine them on material points, was dismissed, for the reason that the counsel representing the applicant Mr. Baldev Raj, Advocate, had already cross-examined the witnesses. Relying upon citation by the Apex Court **State of Haryana vs. Ram Mehar and others, 2016 (3) Law Herald (SC) 2511**, learned Additional Sessions Judge, SBS Nagar, has observed that mere change of lawyer cannot be considered as valid ground for recalling the witnesses for the purpose of further cross examination. Though, the applicant accused

has contended that these PWs could not be cross examined at length on material points, but such alleged material points have not been mentioned.

Learned counsel for the petitioner has referred to citation *Hoffman Andreas vs. Inspector of Customs, Amritsar 2000 (4) Crimes 228* by the Apex Court and *Rajiv Sood vs. State of Punjab 2016 (1) RCR (Criminal) 67*, by a coordinate Bench of this Court, in support of his contention with the revision petition should be allowed. But considering the facts and circumstances of the case, I do not find any infirmity or illegality in the impugned order.

The revision petition is without any merit and is dismissed accordingly.

(**H.S. Madaan**)
Judge

12.1.2018 chugh	Whether speaking / reasoned	Yes / No
	Whether reportable	Yes / No