

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

Sr. No.124

**CRM-M-11259 of 2019
DECIDED ON: March 12, 2019**

RISHIPAL

..PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Sumit Sangwan, Advocate, for the petitioner.

SUDHIR MITTAL, J. (ORAL)

The petitioner is aggrieved because the learned trial Court allowed an application under Section 311 Cr.P.C. vide order dated 30.01.2019 (P-2). His revision against the said order has also been rejected vide order dated 26.02.2019 (P-1).

Learned counsel for the petitioner submits that the prosecution is introducing a third party as a prosecution witness. The person sought to be summoned now is not the same person whose statement under Section 161 Cr.P.C. had been recorded earlier. Thus, the impugned orders deserve to be set aside.

A perusal of order dated 30.01.2019 (P-2) passed by the Revisional Court shows that the Courts below have considered the issue raised by learned counsel for the petitioner and have found as a fact that the person sought to be summoned now is the same person whose statement was recorded under Section 161 Cr.P.C.

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Learned counsel for the petitioner has failed to point out that the said finding is perverse and therefore, I do not deem it appropriate to interfere in the said orders.

The petition is accordingly dismissed. However, the petitioner shall be at liberty, while cross-examining the said witness, to establish that he is not the same person whose statement was recorded under Section 161 Cr.P.C.

March 12, 2019

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No