

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16426-2019
DATE OF DECISION:-10.04.2019

BHOLA

...PETITIONER...

V.

STATE OF HARYANA

...RESPONDENT...

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Namit Sharma, Advocate
for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Prayer in the instant petition under Section 482 Cr.P.C., has been made for setting aside order dated 02.01.2019, passed by ld. Additional Sessions Judge, whereby, application of the petitioner under Section 311 Cr.P.C. to re-examine PW-2 has been dismissed.

In nutshell, after examination of PW-2 Mukesh Saini on 29.10.2018 and PW-3 Rajesh Kumar, who turned hostile, petitioner-accused, moved an application under Section 311 Cr.P.C. to recall PW-2 Mukesh Saini, for his further cross-examination.

Heard.

The impugned order dated 02.01.2019, rejecting the said application of the petitioner is perfectly legal, well reasoned and speaking. Therefore, no interference is required. The trial court has rightly observed that application under Section 311 Cr.P.C. moved by the accused-petitioner is a clever device to summon PW-2 Mukesh

Saini, so that he may reside like PW-3-Rajesh Kumar.

Dismissed.

10.04.2019
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(RAMENDRA JAIN)
JUDGE

whether speaking/reasoned:
whether reportable:

Yes/No
Yes/No