

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

**AT CHANDIGARH**

**Criminal Misc. No.M-42336 of 2018**

**Date of Decision: 29.01.2019**

Amrit Pal Singh

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

**CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA**

Present:- Mr. G.C. Shahpuri, Advocate  
for the petitioner.

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**HARI PAL VERMA, J. (Oral)**

Prayer in the present petition filed under Section 482 of the Code of Criminal Procedure, 1973 is for quashing of order dated 28.08.2018 (Annexure P-7), whereby the application filed by the petitioner under Section 311 CrPC seeking re-cross-examination of complainant was dismissed by the trial Court.

Learned counsel for the petitioner submits that PW-1 Sahib Singh, complainant, was examined as well as cross-examined in the case on 28.11.2017. Some more witnesses were also examined in the case. Thereafter, the petitioner moved an application for re-cross-examination of the complainant Sahib Singh on the ground that during his cross-examination, some vital questions have been left to be asked from him. Therefore, his re-cross-examination has become necessary.

I have heard learned counsel for the petitioner.

Admittedly, PW-1 Sahib Singh, complainant was cross-examined on 28.11.2017 and thereafter, an application under Section 311 CrPC was moved by the petitioner on 16.05.2018. However, by that time, number of other witnesses have been examined. Till date, six witnesses have been examined. Neither at the time of moving the application under Section 311 CrPC nor during the course of arguments, anything has been mentioned as to what are the facts which have come to light with regard to the factual aspect of the matter and the same are required to be put to the complainant in re-cross-examination.

No doubt, a witness can be recalled at any stage under Section 311 CrPC, however, in the case in hand, when PW-1 Sahib Singh, complainant, has already been examined and cross-examined in detail and thereafter, six more witnesses have also been examined, the argument raised by counsel for the petitioner that some new facts have come to his knowledge at this stage, cannot be accepted, particularly when nothing has been disclosed about those new facts.

Therefore, no interference is warranted by this Court.

Dismissed.

**January 29, 2019**  
**AK**

**( HARI PAL VERMA )**  
**JUDGE**

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No