

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-7603 of 2017 (O&M)

Date of decision: 27.08.2019

Bhajan Lal and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. S.P.S. Sidhu, Advocate
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

None for respondent No.2.

ANIL KSHETARPAL, J. (ORAL)

Challenge in this petition which has been filed under Section 482 of the Code of Criminal Procedure is to the order passed by the learned trial Court dated 15.12.2015 affirmed in revision petition by the learned Court of Sessions.

Application under Section 311 Cr.P.C. filed on behalf of accused for recalling prosecution witness namely Hans Raj/PW-2 and Sucha Singh/PW-3 for their cross-examination was dismissed by the trial Court after noticing that their examination-in-chief was recorded on 20.08.2014 and the case was adjourned for cross-examination of these witnesses on the request of counsel for the accused. Even thereafter, two effective opportunities were granted to learned counsel for the accused to cross-examine these witnesses, however, since the counsel did not come

forward to cross-examine, therefore, opportunity granted was treated as Nil. The trial Court has further noticed that after conclusion of evidence of the prosecution, the case was fixed for defence evidence and the application in question was filed after a gap of 1 year and 2 months from the date the case was fixed for defence evidence.

I have heard learned counsel for the parties at length and with their able assistance gone through the orders passed by the Courts below.

Learned counsel for the petitioner submits that since one of the witness, namely, Hans Raj is the complainant, therefore, his cross-examination is necessary failing which great prejudice shall be caused to the accused. Hence, he submitted that one opportunity should be granted to the accused.

This Court has considered the submission, however, the facts which have been noticed by the Courts below are not being disputed.

Once sufficient opportunities have been granted and there is no explanation as to why the application was filed after a considerable delay, this Court does not find any reason to interfere with the order passed by the trial Court affirmed in revision while exercising power under Section 482 of the Code of Criminal Procedure.

Hence, the petition is dismissed.

27.08.2019

D.Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No