

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

**Criminal Revision No.1987 of 2019 (O&M)
Date of Decision: November 26, 2019**

Balwinder Singh and others

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Anterpreet Singh, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

CRM-36775-2019

This is application for placing on record copy of application under Section 311 Code of Criminal Procedure (for short-'Cr.P.C.') as Annexure P-2.

The same is taken on record subject to all just exceptions.

Application stands disposed of accordingly.

CRR-1987-2019

Petitioner moved application under Section 311 Cr.P.C. for recalling of PW1 Avtar Singh, PW2 Tejinder Pal Singh and PW3 Sukhwant Singh for further cross-examination on the ground that they on changing their counsel, have come to know that earlier counsel left some important questions to be put to these witnesses and he has not conducted the trial in a proper and legal manner. Learned trial Court dismissed the application with

observation that plea raised in the application is no ground to recall the witnesses. Alleged important questions left to be put to the witnesses were not disclosed and change of counsel is no ground for recalling of the witnesses.

I find no reason to disagree with the observations of learned trial court. The application appears to have moved in a very casual manner, making change of counsel a ground for recalling of the witnesses. It has been repeatedly observed by this Court in catena of judgments that change of counsel is no ground for recalling of witnesses for further cross-examination, when their cross-examination has already been completed by earlier counsel. Simply mentioning in the application that some important questions could not be put to these witnesses, does not disclose or makes out a ground for recalling them. I find no reason to interfere with the well reasoned order passed by learned trial court.

This petition has no merits. Dismissed.

November 26, 2019

Sachin M.

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No