

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

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CRM-M-38293-2019 (O & M)
Date of Decision:09.09.2019

Sunil @ Chinnu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ashit Malik, Advocate
for the petitioner.

MANOJ BAJAJ, J.

Sunil @ Chinnu - petitioner has filed this petition to challenge the order dated 03.09.2019 whereby application on his behalf for recalling prosecution witness namely Neeraj (PW-19) stood declined by the trial Court.

Learned counsel for the petitioner contends that though the cross-examination of the witness was conducted by the counsel for the accused., however, he deserves to be recalled for the purposes of further cross-examination as the said witness has sworn an affidavit dated 29.08.2019 (Annexure P-5) wherein it was mentioned that his deposition before the Court was under pressure. According to the affidavit, he was not the eye witness of the alleged occurrence which took place on 23.10.2017. It may be noticed here that the FIR pertains to the alleged murder of one

Rahul and after investigation of the same, in all 12 accused were sent to face trial.

Learned counsel for the petitioner contends that the other witness Navdeep (PW-31) had turned hostile. According to him, it would be in the interest of justice if Neeraj (PW-19) is recalled for further cross-examination.

After hearing of learned counsel for the petitioner, this Court does not find any merit in the said prayer. The testimony of PW-19 (eye witness) was recorded on 27.03.2019 and thereafter he was subjected to cross-examination by all the defence Advocates. The said cross-examination was concluded on 21.05.2019. Further on perusal of the application moved on behalf of the petitioner reveals that the sole ground raised for recalling the witness, is the alleged affidavit sworn in by the said witness, which is nothing but a possible attempt to retract from his deposition and there is every possibility that he may not support the prosecution case now. The trial Court has carefully gone through the entire material on record and has rightly declined the prayer.

Resultantly, petition fails and dismissed.

09.09.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No