

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

CRR No. 3045 of 2019

Date of decision: 26.11.2019.

Cyiracus Madhuabuchi

..... Petitioner.

Versus

State of Punjab

..... Respondent.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Ravi Malhotra, Advocate, for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has impugned the order dated 06.09.2019 whereby the application preferred by him under Section 311 of the Code of Criminal Procedure, 1973, for recalling of PW2 DSP Hardeep Singh for further cross-examination has been declined.

Learned counsel for the petitioner contends that PW2 DSP Hardeep Singh had conducted the personal search of the petitioner when 260 grams of heroin was allegedly recovered from him. The witness was cross-examined earlier by the previous counsel of the petitioner who could not question him on the call details as they were not available at that time and, therefore, one opportunity be granted to the petitioner to recall PW2 DSP Hardeep Singh for further cross-examination.

Heard.

It is manifest from the impugned order that the prosecution evidence has already been closed. PW2 DSP Hardeep Singh had been

examined and cross-examined at length by the counsel of the petitioner on 21.01.2019. The evidence of this witness was concluded on 21.01.2019 and thereafter eight prosecution witnesses have been examined. Merely because this witness could not be cross-examined by the previous counsel on his call details cannot be said to be a good ground to justify recalling of this witness under the aforementioned facts and circumstances. Recovery of 260 grams of heroin is alleged to have been effected from the petitioner. I do not find any manifest illegality in the impugned order which would warrant interference while exercising revisional jurisdiction.

Consequently, the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

26.11.2019
Ramesh

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No