

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

CRM-M-33513-2020

Date of decision:-26.10.2020

Rajinder Pal Singh @ ERP Sidhu

...Petitioner

Versus

State of Punjab

...Respondents

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.Naveen Sharma, Advocate
for the petitioner.

H.S. MADAAN, J.(ORAL)

In criminal trial with regard to FIR No.279 dated 26.8.2019 for the offences under Sections 409, 203, 120-B IPC and 25 of Arms Act, registered with Police Station Division NO.5, District Ludhiana pending before Additional Chief Judicial Magistrate, Ludhiana, one PW namely Gurpreet Singh, who had been examined in chief on 20.12.2019 was present in the Court on 3.1.2020 to face cross-examination since the same had been deferred on the previous date, however on account of non-availability of defence counsel a request for further adjournment was made, which was declined by learned Additional Chief Judicial Magistrate, Ludhiana vide detailed order dated 3.1.2020. Subsequently, an application under Section 311 Cr.P.C. for recalling PW1 Gurpreet Singh to face cross-examination was filed on behalf of accused Rajinderpal Singh @ ERP Sidhu. That application is stated to be still pending and has not been disposed of by the trial Court.

Notice of motion.

Mr.Luvinder Sofat, AAG, Punjab, accepts notice on behalf of respondent – State.

The limited prayer in this petition is for issuance of direction to the trial Court to dispose of application under Section 311 Cr.P.C. filed on behalf of the petitioner/accused.

Learned State counsel submits that he has no objection if any direction in that regard is issued by this Court.

Since petitioner Rajinder Pal Singh @ ERP Sidhu, who is an accused facing trial before Additional Chief Judicial Magistrate, Ludhiana has moved an application for recalling of PW1, whose cross-examination had been closed by order treating it as NIL, the application is required to be disposed of by the trial Court in accordance with law rather than keeping it pending for a long time.

Accordingly, the present petition is disposed of directing the trial Court to dispose of application under Section 311 Cr.P.C. so moved by petitioner in accordance with law within a period of 15 days from the date of receipt of copy of this order there.

Copy of this order be sent to the Court concerned through learned District & Sessions Judge, Ludhiana for information and compliance.

(H.S.MADAAN)
JUDGE

26.10.2020

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No