

**In The High Court for the States of Punjab and Haryana  
At Chandigarh**

CRM-10796-2022 in/and  
CRR-106-2020 (O&M)  
Date of Decision:- 28.3.2022

Dharminder Singh Kalsi ... Petitioner

Versus

State of Punjab ... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Bikram Singh, Advocate, for the petitioner.

Mr. Anmol S. Sandhu, AAG, Punjab.

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**GURVINDER SINGH GILL, J. (Oral)**

**CRM-10796-2022**

In view of the reasons mentioned in the application, the same is allowed and the matter is preponed from 8.9.2022 and is taken on Board today itself.

**CRM-7977-2020**

In view of the reasons mentioned in the application, the same is allowed as prayed for and examination in chief and cross-examination of PW-1 to PW-5 are taken on record subject to all exceptions.

**CRR-106-2020 (O&M)**

By way of this petition, the petitioner assails order dated 20.11.2019, passed by Judicial Magistrate 1<sup>st</sup> Class, Ludhiana, vide which his application filed under Section 311 Cr.P.C. seeking recalling of PW Nos.1, 2, 3 and 5 for the purpose of their cross-examination has been dismissed.

This Court finds that it was in the year 2014 that the statements of the aforesaid witnesses were recorded. The accused was duly afforded opportunity of cross-examination but he did not chose to cross-examine as would be evident upon perusal of the statements of PW Nos.1, 2, 3 and 5, placed on record. The application for recalling the aforesaid PWs was filed in the year 2019. Apart from the fact that opportunity for cross-examination had already been afforded, this Court finds that it was after about 5 years that application for recalling the said witnesses was moved. As such, the application would otherwise also suffer from delay and laches. No infirmity can be found in impugned order dated 20.11.2019 and the same is upheld. Finding the petition shorn of merits, the same is hereby dismissed.

**28.3.2022**  
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**(GURVINDER SINGH GILL)**  
**JUDGE**

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|----------------------------|----------|
| Whether speaking /reasoned | Yes / No |
| Whether Reportable         | Yes / No |