

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

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CRM-M-5976-2023

Date of Decision.: 06.02.2023

Navpreet Singh

...Petitioner

Versus

State of Punjab and another

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Saurav Bhatia, Advocate for the petitioner

Mr. Randeep Singh Khaira, DAG, Punjab.

DEEPAK GUPTA, J.

Petitioner is facing trial in a case arising out of FIR No.159 dated 08.10.2019 registered at Police Station City Nawanshahar, District SBS Nagar under Sections 279, 427, 337, 338 of IPC (Section 304-A of IPC added later on), in the Court of Learned Chief Judicial Magistrate, Shaheed Bhagat Singh Nagar.

The said FIR was lodged on the statement of Roop Lal, the eye-witness of the accident. Statement of said Roop Lal was recorded before the Court of Learned Chief Judicial Magistrate, SBS Nagar on 12.03.2020 copy of which is (Annexure P-3) and the witness was duly cross-examined by Shri Enayat Arora, Advocate. Later on, petitioner changed the counsel and moved an application (Annexure P-4) for recalling PW-1 for further cross-examination on the ground that certain material questions were not asked. Learned Chief Judicial Magistrate, SBS Nagar dismissed the said application vide impugned order dated 06.09.2022 (Annexure P-5), against which this revision is filed.

After hearing learned counsel, I find no merit in the petition.

It is conceded that PW-1 was duly cross-examined. It is not mentioned

in the application nor disclosed today by learned counsel for the petitioner as to which material questions were not asked from the witness. Even otherwise, once the witness had been duly cross-examined by a competent lawyer, the application for recalling the witness is not maintainable.

I find no material irregularity or illegality in the impugned order.

As such, present petition is hereby dismissed.

February 6, 2023

Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No