

121 IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-9803 of 2023

Date of Decision: February 23, 2023

Arvind Kumar Tyagi ...Petitioner
Versus
State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Naresh Kumar Manchanda, Advocate
for the petitioner.
Mr. R.S. Khaira, DAG, Punjab.

DEEPAK GUPTA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C, has been made to quash order dated 09.02.2023 (Annexure P.5) passed by learned Chief Judicial Magistrate, Moga in Criminal Complaint No.COMA-82 of 2018 – **State Vs. M/s Chawla Kissan Kheti Sewa Centre and others**, whereby application under Section 311 Cr.P.C for summoning the witnesses for their further cross-examination filed by the petitioner was dismissed.

Trial in the complaint case filed by the State through Insecticide Inspector against petitioner and others is pending in the Court of learned Chief Judicial Magistrate, Moga. Charges were framed on 15.07.2022, after recording pre-charge evidence. Statement was made by the accused that they wanted to further cross-examine PW1 Kuldeep Singh, PW3 Amarjit Singh and PW4 Harinderjit Singh in the after charge evidence, on 01.11.2022. On the same date, PW3 and PW4 who were present in the Court, were further cross-examined. Statement of PW1 Kuldeep Singh was completed on 20.12.2022 and the matter was adjourned for recording statement of the accused under Section 313

Cr.P.C. However, the petitioner and one of the accused moved an application under Section 311 Cr.P.C (Annexure P.3) for re-summoning of PW1, PW2 and Amarjit Singh, ADO Moga for their cross/re-examination on the ground that some material and necessary questions were remained to put in their cross-examination inadvertently. The said application has been rejected by the trial Court by way of impugned order dated 09.02.2023.

Contention of learned counsel for the petitioner is that further examination of PW1, PW2 and PW3 is necessary for just and proper decision of the case because some material questions could not be put to them in their cross-examination.

After hearing learned counsel, I find no merit in this petition. It is conceded by learned counsel that full opportunity was provided to the petitioner to cross-examine the concerned witnesses. Case had reached at the stage of recording of the accused under Section 313 Cr.P.C, when the application under Section 311 Cr.P.C was moved. Perusal of the application (Annexure P.3) reveal that even it is not mentioned as to which material questions were left to be put to the witnesses sought to be examined. Application clearly appears to be a delaying tactic.

Dismissed.

February 23, 2023

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(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking:	Yes/No
Whether reportable:	Yes/No