

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

CRM-M-14210-2023

Date of Decision : 20.03.2023

Bhanu Partap

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present : Mr. Amandeep Singh Manaise, Advocate
for the petitioner.

VIKRAM AGGARWAL, J (ORAL)

Challenge in the present petition is to the order dated 09.02.2023 (Annexure P-5), passed by the learned Judicial Magistrate Ist Class, Pathankot vide which the application under Section 311 Cr.P.C., filed by the petitioner for recalling of PW1 Anil Kapoor was dismissed.

The petitioner is facing trial before the said Court in case FIR No.160 dated 30.12.2015, registered under Sections 304-A, 279, 427 IPC, at Police Station Division No.2, Pathankot. During the course of the said trial, one witness namely Anil Kapoor was examined. His examination-in-chief was recorded on 29.11.2016. Thereafter the said witness was recalled for cross-examination on four dates and his detailed cross-examination was conducted.

The present application was moved for recalling of the said witness on the ground that certain material questions had to be put to him which could not be put to the said witness at the relevant time.

Learned counsel for the petitioner contends that said questions are important for the just decision of the case and, therefore, the trial Court erred in dismissing the application filed by the petitioner under Section 311 Cr.P.C.

Having considered the submissions made by learned counsel for the petitioner, this Court is unable to agree with the same. The FIR was registered in the year 2015. The said witness namely Anil Kapoor was examined as PW1 way back in November, 2016 and his detailed cross-examination was conducted by the learned defence counsel on four dates. The petitioner and his counsel had every opportunity to conduct full cross-examination of the said witness at the relevant stage. This Court does not find any plausible reason given either in the application moved under Section 311 Cr.P.C. (Annexure P-3) or in the arguments addressed by learned counsel for the petitioner for permitting the recalling of the said witness. The order passed by the learned trial Court is based upon sound principles of law and, therefore, does not call for any interference.

In view of aforesaid, this Court does not find any merit in the present petition and the same is hereby dismissed.

(VIKRAM AGGARWAL)
JUDGE

20.03.2023
mamta

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No