

2023:PHHC:093128

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

111

CRR-1174-2023 (O&M)

Date of Decision: 24th July, 2023

Pardeep Goyal

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. G.S. Kaura, Advocate for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.

AVNEESH JHINGAN , J.(Oral)

CRM-27446-2023

1. This application has been filed for placing on record copy of order dated 25.4.2023 (Annexure P-6).

2. For the reasons mentioned in the application, the same is allowed and Annexure P-6 is taken on record.

Main case

3. This revision petition is filed challenging order under Section 311 Cr.P.C dismissing the application of the petitioner for recalling PW-1-Harjiwan Singh for further cross-examination.

4. The petitioner is accused in FIR No. 100 dated 11.7.2019 under Sections 22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at P.S. Maur, District Bathinda. As per the case set up by the prosecution, the FIR was registered on the secret information. During investigation, Sunil Kumar was arrested and contraband was recovered at his instance. Thereafter, statement of Jaspreet Singh was recorded on the basis of which the petitioner was nominated as an accused.

5. The grievance is that the counsel for the petitioner failed to cross-examine PW-1 Harjiwan Singh on issue that neither statement of Jaspreet Singh was recorded nor he was cited as a witness.

6. Learned counsel for the petitioner submits that it is important to further cross-examine PW-1 as the basis of the nomination of the petitioner as an accused does not exist.

7. The contention of counsel for the petitioner lacks merit. The aspect that petitioner was nominated on the basis of statement of Jaspreet Singh and his statement does not exist can be proved from the documents produced by the prosecution.

8. In view of the above, no case is made out for interference.

9. Petition is disposed of.

10. Needless to say that the petitioner would be at liberty to take his defence at an appropriate stage with regard to the basis of the nomination of the petitioner. There is no doubt that the same would be considered in accordance with law.

11. It is further clarified that the observation made herein above shall not be construed as an expression on merits of the trial, it was only for the purpose of deciding this revision petition.

12. Since the main case has been disposed of the pending application(s), if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

24th July, 2023

anuradha

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No