

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

140

CRM-M-950-2023

Date of Decision: January 09, 2023

Sushil Kumar

.....Petitioner(s)

Vs.

Central Bureau of Investigation

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Gautam Kaile, Advocate
for the petitioner.

Mr. Rajeev Anand, Standing Counsel for CBI.

ANOOP CHITKARA J. (ORAL)

The petitioner has come up before this Court seeking quashing of order dated 16.11.2022 passed by learned Special Judge, CBI Court, Chandigarh whereby his application for further cross-examination of PW-12 has been dismissed.

Counsel for the CBI strenuously opposed the petition on the ground that perusal of the application under Section 311 Cr.P.C. (Annexure P-3) reveals that petitioner wants explanation from the witness qua his statements recorded before the Court, which cannot be allowed. Even no fact has been mentioned in the application, which was not in the knowledge of the petitioner at the time examination of witness, which he now wants to confront the witness.

Faced with this, counsel for the petitioner submits that certain new facts had come to the notice of the petitioner-accused and it was only the reason to file application under Section 311 Cr.P.C. but the same could not be recorded in the application and seeks liberty to file fresh application by mentioning all such new facts.

Given above, petitioner is permitted to file fresh application under Section 311 Cr.P.C. disclosing all material facts in the application enable the trial Court to take a decision, If any such application is filed, the concerned trial Court

shall not be influenced by the previous rejection and decide the same in accordance with law.

The petition is disposed of with aforesaid observations.

All pending application(s), if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

January 09, 2023
sonia arora

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