

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

**CRM-M-14969-2024**

**Decided On: 02.04.2024**

**AMARJIT KAUR @ KALO**

**.....PETITIONER(s)**

**Versus**

**STATE OF PUNJAB**

**.....RESPONDENT(s)**

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Gurjinder Singh Thind, Advocate  
for the petitioner.

**MANJARI NEHRU KAUL, J.(Oral)**

1. The instant petition has been filed under Section 482 Cr.P.C. for setting aside the order dated 23.02.2024 (Annexure P-3) passed by Learned Special Judge , NDPS Act, Patiala vide application under Section 311 Cr.P.C. in FIR No.156 dated 12.08.2019 under Section 21 of NDPS Act, 1985, Police Station Pasyana, District Patiala was dismissed.
2. Learned counsel for the petitioner *inter alia* contends that the learned Trial Court had erroneously dismissed his application under Section 311 Cr.P.C., wherein he had sought recalling of 03 witnesses i.e. PW2 SI Randhir Singh, PW3 HC Amrinder Singh and PW4 ASI Balbir Singh for the purpose of their further cross-examination. It has been further submitted that after these 03 witnesses had been cross-examined, it came to the fore that the contraband allegedly shown to have been recovered from the petitioner was in fact recovered from one Manjit Kaur, qua which previously FIR No.155 dated 12.08.2019 had also been registered. It has been still further submitted that during

cross-examination of PW4 ASI Balbir Singh in the said case, he categorically admitted that on the day of the arrest of the petitioner no other recovery of any contraband was affected from the village of the petitioner nor was any other person arrested. It has still further been submitted that the house of the accused is in close vicinity to the petitioner's house and thus it left no manner of doubt that a false recovery in that case had been planted upon her. Learned counsel has thus asserted that in the circumstances cross-examination of the above-mentioned witnesses would be necessitated for establishing the defence of the petitioner as all along it has been his consistent case of false implication.

Learned counsel has furthermore contended that while passing the impugned order, the learned Trial Court had failed to appreciate that as per the settled law, the provisions of Section 311 Cr.P.C., could be invoked at any stage of the trial, if the evidence or the witness(s) sought to be summoned, was essential for ensuring justice to the parties. Learned counsel has asserted that since the trial has not concluded as judgment is yet to be pronounced, there is no question of the trial being delayed or the precious time of the Court being wasted by the filing of the application under Section 311 Cr.P.C., by the petitioner. A prayer has therefore been made by the learned counsel for the petitioner for allowing the instant petition so that it could help in the just adjudication of the case in hand.

3. I have heard learned counsel for the parties and perused the material placed on record.

4. No doubt, Section 311 Cr.P.C., empowers the Court to summon or examine any person as a witness at any stage of trial or enquiry or other proceedings under the Code, however, the said power must be exercised by the Court after due application of judicial mind.

5. Adverting to the case in hand, a perusal of the impugned order reveals that the petitioner was given adequate opportunities to prepare for the cross-examination of the witnesses sought to be recalled; it is a matter of record that the witnesses were examined-in-chief and subsequently cross-examined on different dates extending over a period of time. Apparently, PW2 SI Randhir Singh was examined-in-chief on 16.11.2022 and thereafter, his cross-examination was done after almost 03 months on 10.02.2023. Similarly, examination-in-chief of PW3 HC Amrinder Singh was recorded on 16.11.2022 and he too was cross-examined on 10.02.2023; PW4 ASI Balbir Singh was examined-in-chief on 27.09.2023 and thereafter, cross-examined on 25.10.2023. It is thus abundantly clear that there was sufficient time for learned counsel of the accused to go through the statements of the witnesses and cross-examine them accordingly.

6. As a sequel to the above discussion, this Court does not find any merit in the submissions made by the learned counsel for the petitioner.

6. Accordingly, the instant petition stands dismissed.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

**02.04.2024**

*Aman Dua*

**(MANJARI NEHRU KAUL)  
JUDGE**

*Whether speaking/reasoned?  
Whether reportable?*

*Yes/No  
Yes/No*