



CRM-M-30977-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-30977-2024

Date of Decision : 02.07.2024

Sehajpal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Yashpal Thakur, Advocate
for the petitioner

Mr. Vinay Kumar, DAG Punjab

KIRTI SINGH, J.(Oral)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of order dated 04.06.2024 passed by the learned trial Court, Fatehgarh Sahib (Annexure P-4) in case FIR No. 103, dated 05.05.2019, registered under Section 22/61/85 of NDPS Act, 1985 at Police Station Sirhind, District Fatehgarh Sahib whereby application under Section 311 Cr.P.C. moved by the petitioner/accused for re-calling the investigating officer namely ASI Gurmeet Singh for cross-examination was declined.

2. As per the allegations in the FIR, the recovery was shown as 14 injections of Buprenorphine Leegesic each containing 2 ml and 14 small vials of Avil 10 ml.

3. Learned counsel for the petitioner submits that the investigating officer namely ASI Gurmeet Singh was cross-examined by the previous counsel

but he did not cross-examine the material witness on the aspect of the case relating

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to his presence at the alleged place of recovery and proceedings conducted were not asked, which are fatal to the case of the petitioner.

4. Learned State counsel on instructions submits that in the present case the challan was presented on 19.09.2019, the charges were framed on 05.10.2019 and all the witnesses have been examined.

5. A perusal of the impugned order dated 04.06.2024 clearly states that the accused was found in the conscious possession of 14 injections of Buprenorphine Leegestic each containing 2 ml. Thereafter, the challan was presented on 05.10.2019. Investigating Officer PW-6 ASI Gurmeet Singh was examined-in-chief and cross-examined on 02.09.2021. It is further stated in the order that he was cross-examined at length and thereafter PW-7 and PW-8 were also examined and now at this stage when the trial is at its fag end, application filed under Section 311 Cr.P.C. can not be allowed. Further, provisions under Section 311 Cr.P.C. can be invoked only when there is a satisfaction that a witness is required to be called/recalled for just decision of the case. As discussed above, PW-6 ASI Gurmeet Singh was cross-examined at length and there is no ground to re-summon him.

6. This Court is satisfied with the view taken by learned Special Judge, Fatehgarh Sahib. In view of the above, the petition is dismissed.

02.07.2024

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**(KIRTI SINGH)
JUDGE**

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No