



CRM-M-43675-2024

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

CRM-M-43675-2024
Decided on : 04.09.2024

Jagdeep Singh @ Jaggu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Hitesh Chopra, Advocate
for the petitioner.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed under Section 482 Cr.PC r/w 528 BNSS, 2023 for quashing of order dated 28.02.2024 (Annexure P-3) passed by Addl. Sessions Judge, Amritsar vide which application filed by the petitioner under Section 311 Cr.PC was rejected.

2. Learned counsel for the petitioner has argued that while it is true that PW-1 Inspector Rajbir Singh, PW-2 Inspector Preetinder Singh (SHO) and PW-4 HC Kanwaljit Singh were examined before the trial Court on 27.02.2019, the video conferencing facility was not functioning properly on that day. Consequently, the petitioner was unable to fully comprehend the witnesses's responses to the questions/suggestions posed during cross-examination. It has been further submitted that the petitioner had intended to present additional suggestions during the cross-examination of afore-



mentioned three witnesses but technical difficulties prevented this. Learned counsel has further submitted that crucial questions regarding the investigation, which are of utmost importance, were not put to the witnesses due to these technical issues. Therefore, recalling these witnesses for the purpose of re-cross-examination is essential to ensure just decision by the trial court; otherwise, the petitioner would suffer grave injustice. Given the above circumstances, learned counsel for the petitioner/accused has submitted that learned trial court had gravely erred in dismissing his application filed under Section 311 Cr.PC vide which a prayer had been made for re-cross-examination of the afore-mentioned three witnesses. A prayer has, therefore, been made for the instant petition to be allowed and the aforementioned witnesses to be summoned for re-cross-examination.

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

4. A perusal of the material on record reveals, and it is undisputed by learned counsel for the petitioner that:

firstly, the case is presently at the stage of defence evidence;

secondly, before the prosecution evidence was closed way back on 09.12.2022, the said witnesses were examined in chief and subsequently cross-examined at length on multiple occasions in the presence of the accused and his counsel. Hence, it is perplexing why



the petitioner chose to file his application under Section 311 Cr.PC at such a late stage. Moreover, no complaint regarding issues of video conferencing facility was ever raised during the cross-examination of these witnesses.

5. In view of the circumstances, this Court finds no hesitation in concluding that the petitioner is merely employing dilatory tactics. Accordingly, the present petition, being devoid of any merit, stands dismissed, and the impugned order does not warrant any interference.

04.09.2024
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(MANJARI NEHRU KAUL)
JUDGE

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