

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

2024:PHHC:146809



Criminal Misc. M. No. 56010 of 2024 (O&M)

Date of Decision: 11.11.2024

Raj Kaur and others

.....Petitioners

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE

Present : Mr. Balbir Singh Jaswal, Advocate, for the petitioner.

Mr. Gagneshwar Walia, Addl. Advocate General, Punjab.

SHEEL NAGU, CHIEF JUSTICE (Oral)

The present petition invoking inherent powers of the Court assails an order dated 31.08.2024 passed by the trial Court in case State vs. Raj Kaur and others in FIR No. 132 dated 09.09.2015 under Sections 326/324/323/506/34 of the Indian Penal Code registered at Police Station Beas, whereby an application for recall of a prosecution witness already examined earlier was dismissed as withdrawn on the basis of a prayer made by the accused.

2. A bare perusal of the impugned order dated 31.08.2024 (Annexure P-9) passed by the trial Court reveals that application under Section 311 of the Code of Criminal Procedure instead of being pressed on-merits was dismissed as withdrawn on the request of petitioner's counsel.

3. This Court declines to interfere in the matter since the trial Court has not dealt with the issue on-merits and therefore, this Court extends liberty to the petitioner that if another application under Section 311 of the Code of

Criminal Procedure (Section 348 of BNSS) is moved within a period of three weeks from today, the same shall be decided as expeditiously as possible in accordance with law.

4. This Court hasten to add that it has not considered the matter on-merits and trial Court is free to decide the application if moved again either way. With these observations, the petition stands disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

11.11.2024

ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	√Yes/No