



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

CRM-M No.16349 of 2025
Date of decision: 27th March, 2025

Ramandeep Singh

... Petitioner

Versus

State of Punjab & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Nikhil Vats, Advocate for the petitioner.

MANJARI NEHRU KAUL, J.

1. The petitioner has filed the present petition assailing the order dated 26.11.2024 passed by the learned trial Court (Annexure P-1), whereby the application filed under Section 311 of Cr.P.C. for recalling and re-examining one of the prosecution witnesses, Investigating Officer, has been dismissed.

2. Learned counsel for the petitioner has vehemently contended that the said witness (Investigating Officer) is a crucial and necessary witness for the just adjudication of the case. It is submitted that the Investigating Officer had also conducted the investigation in the cross-case arising out of the FIR in question, titled as '*State versus Ramen Kumar*', and his cross-examination in the present case was not conducted properly. Further, it is urged that certain medical records pertaining to the injured persons, Sukhwinder Singh and Ramandeep

Singh, were produced after the cross-examination of the said witness, and therefore, it is imperative to put relevant questions to him for the sake of clarity.

3. I have heard learned counsel and perused the relevant material on record.

4. At the outset, it is apparent that the grounds raised in the present petition are vague and bereft of any substantive merit. The impugned order (Annexure P-1) passed by the learned trial Court clearly reflects that the Investigating Officer, who is being sought to be re-examined, had already been subjected to an extensive and detailed cross-examination during the course of trial. The petitioner has failed to demonstrate any cogent reason justifying the necessity of recalling the witness at this belated stage, particularly when the prosecution evidence concluded long time back, and the statement of the accused under Section 313 Cr.P.C. has also been recorded.

5. It is well settled that an application under Section 311 Cr.P.C. cannot be allowed as a matter of routine and must be based on sound legal justification. This provision is not intended to be invoked as a tool for protracting the trial, or filling lacunae in the evidence. In the present case, the timing of the application suggests that it is nothing but an attempt to delay the proceedings. The petitioner has neither demonstrated any exceptional circumstances warranting the recall of the witness nor shown any miscarriage of justice that may result, if the application is not allowed.

6. In view of the aforesaid discussion, this Court finds no infirmity or illegality in the impugned order warranting interference. Accordingly, the present petition, being devoid of any merit, stands dismissed in limine.

(MANJARI NEHRU KAUL)
JUDGE

March 27, 2025

rps

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