



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

CRR-1384 of 2025 (O&M)
Date of decision: 26th May, 2025

Gurveer Singh @ Gurbir Singh @ Gurvir Singh & another
... Petitioners

Versus

State of Punjab & others
... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. J.S. Thakur, Advocate for the petitioners.

MANJARI NEHRU KAUL, J.

1. The instant revision petition is directed against the order dated 29.04.2025 passed by the learned trial Court in FIR No.247 dated 01.12.2020, under Section 377 IPC, Sections 3, 4 & 12 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Bhogpur, District Jalandhar, whereby the application moved by the petitioners under Section 311 Cr.P.C./348 BNSS for recalling prosecution witness, PW-10 Jatinder Singh (father of the victim), was dismissed.

2. Learned counsel for the petitioners has assailed the impugned order primarily on the ground that the learned trial Court erred in declining the prayer for recalling PW-10 Jatinder Singh for further cross-examination. It is contended that subsequent to his cross-examination on 08.01.2025, the said witness allegedly confessed before the Sarpanch of Village Kishanpura to having falsely implicated the

petitioners, which culminated in a purported compromise dated 22.03.2023 annexed as Annexure P-2. It is urged that since this compromise came into existence after the witness was cross-examined, the recall of the witness is imperative in the interest of a fair and just adjudication. Learned counsel has thus prayed for the impugned order to be set aside and the application under Section 311 Cr.P.C./ 348 BNSS to be allowed.

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

4. The scope and ambit of Section 311 Cr.P.C./ 348 BNSS are well settled. The provision confers wide discretionary powers upon the criminal Court to summon, recall, or re-examine any person at any stage of inquiry or trial, if such evidence appears essential to the just decision of the case. However, this discretionary power, though broad, is not unfettered. It must be exercised judiciously, sparingly, and with circumspection, keeping in view the paramount requirement of ensuring that justice is done.

5. It needs to be emphasized that the above provision of law is not intended to be invoked routinely to fill in lacunae or to enable a party to improve upon its case belatedly, particularly when due opportunity was already afforded.

6. Adverting to the facts of the present case, a perusal of the material on record reveals that PW-10 Jatinder Singh was examined in chief on 14.10.2024 and thereafter, extensively cross-examined on 08.01.2025. Despite having ample opportunity, the alleged compromise dated 22.03.2023 was neither confronted to the said witness at that time, nor brought to the attention of the trial Court during his deposition.

Further, the compromise, as per the petitioners’ own showing, is stated to have been obtained from a “well wisher” and not directly from PW-10 Jatinder Singh. This, by itself, raises substantial doubts as to the authenticity and admissibility of the document. Moreover, the unexplained delay in raising this plea and the failure to confront the witness with such a crucial document at the relevant stage undermines the bona fides of the present petition. The belated attempt to recall the witness, when weighed in the totality of the circumstances, appears to be a calculated strategy to delay the proceedings before the trial Court rather than a genuine effort to assist the Court in arriving at the truth.

7. The learned trial Court has, in the impugned order, rightly observed that the application lacks merit and is devoid of any cogent explanation as to why the said compromise could not be put to the witness during the earlier opportunity. The impugned order therefore does not reflect any error, illegality, or impropriety warranting interference by this Court in the exercise of revisional jurisdiction.

8. Accordingly, the revision petition being devoid of merit is dismissed. 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.

(MANJARI NEHRU KAUL)
JUDGE

May 26, 2025
rps

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