



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

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**CRM-M-40814-2025
Date of decision: 31.07.2025**

PARVEER SINGH AND ANOTHER

....Petitioners

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Shakinderpal Singh, Advocate and
Ms. Renu, Advocate for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH. J.(Oral)

1. Present petition under Section 528 of BNSS, 2023 has been filed for quashing of the order dated 17.07.2025 (Annexure P-5) passed by Dr. Sonia Kinra, Special Judge, Fatehgarh Sahib passed in CIS No.NDPS-63-2019, titled as State Vs. Parveer Singh and Another”, vide which the application under Section 348 BNSS (earlier 311 of Cr.P.C) for recalling ASI Jagroop Singh No.244/FGS and ASI Harinder Singh No.250/FGS Sahib along with case property has been dismissed.

2. The application was considered and by noticing the chances availed by the petitioner for cross-examination, in paragraph No.5 of the order dated 17.07.2025 (Annexure P-5), same has been observed as under:-



“A persual of the file reveals that ASI Jagroop Singh was examined in chief as PW5 on 22.08.2022. His cross examination was deferred. Thereafter, he was partly cross examined on 07.02.2023, then on 22.08.2023 and on 18.07.2024, he has been cross examined at length on three dates by learned counsel for the accused. Similarly, ASI Harminder Singh was examined in chief as PW5 by the prosecution on 30.01.2024 and was cross examined at length by learned defence counsel on 18.07.2024. When both the witnesses have been cross examined at length by the defence on various dates, the application in hand cannot be allowed for their further cross examination and that too without disclosing what material questions have been left to be put to them. It is settled principle of law that application under Section 311 CrPC (348 of BNSS) cannot be allowed to fill lacuna. Hence, the application in hand is dismissed.”

3. Counsel for the petitioner relies upon a judgment passed by Hon’ble Supreme Court in the case of **Natasha Singh Vs. CBI (State), (SC) Law Finder Doc ID # 453449** and submits that at any stage, cross-examination can be permitted to the accused.

4. It is noticed that cross-examination of witness-ASI Jagroop Singh was completed by petitioner-accused almost within a period of two years, during which ample opportunity was provided for his cross-examination. Even the other witness namely ASI Harminder Singh was also examined on 30.01.2024 and was cross-examined at length by the defence counsel on 18.07.2024.

5. The application has now been moved by the petitioner after change of counsel (as informed by counsel during arguments), after a period of one year. Obviously its an attempt just to delay the proceedings in trial and such a permission cannot be granted by this Court, at this stage, when the case is fixed

for arguments today itself before the learned trial Court.

6. Accordingly, petition is dismissed.

31.07.2025
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(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No