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

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Date of decision : 03.11.2025

Taranjit Singh

..... Petitioner

V/S

State of Punjab and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Aja Chaudhary, Advocate for
Mr. R.S.Mamli, Advocate for petitioner.

Ms. Manjot Kaur, AAG, Punjab.

AMARJOT BHATTI J. (ORAL)

1. Petitioner Taranjit Singh has filed this criminal revision against impugned order dated 07.07.2025 passed by learned Additional Sessions Judge, S.A.S. Nagar, vide which application filed by present petitioner/accused under Section 311 Cr.P.C. to recall the victim PW-1 for further cross-examination has been declined.

2. As per the facts of the case, on the statement of prosecutrix, FIR No.226 dated 12.07.2024 was registered under Sections 376, 506 of IPC at Police Station Derabassi, District S.A.S. Nagar, Mohali (Annexure P-1). Present petitioner is facing trial in the aforesaid FIR. During the pendency of the trial, present petitioner/accused filed application under Section 311 Cr.P.C. to recall the prosecutrix PW-1 for further cross-examination (Annexure P-3). Said application has been declined on merits vide impugned order dated 07.07.2025.

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3. Learned counsel for petitioner argued that relationship between the prosecutrix and present petitioner was consensual. They were sending messages and photographs to each other on WhatsApp. Copy of photographs is Annexure P-2. During the pendency of trial, victim had called mother of the petitioner and the said conversation has been recorded where she stated that nothing had happened with her. In order to prove said conversation, application was filed before the trial court under Section 311 Cr.P.C. to recall the prosecutrix PW-1 for further cross-examination. Said subsequent event is material for final adjudication of the case. Without considering the relevancy of said audio recording/pen drive (Annexure P-4), application to recall the prosecutrix for further cross-examination has been wrongly declined. The application filed under Section 311 Cr.P.C. cannot be declined on flimsy grounds. There is nothing on record to show that the application is filed with ulterior motive to fill up the lacunas in the case or to delay the trial. In order to do complete justice, further cross-examination of prosecutrix PW-1 regarding said conversation is material. Therefore, impugned order dated 07.07.2025 passed by learned Additional Sessions Judge, S.A.S. Nagar may kindly be set aside and the application filed by petitioner under Section 311 Cr.P.C. may be allowed as prayed for.

4. Learned counsel representing State confirmed the factual position. It is pointed out that prosecutrix PW-1 was examined and cross-examined at length. The case is still pending for prosecution evidence. The facts and the surrounding circumstances were rightly considered by the trial Court. The discretion to recall witness under Section 311 Cr.P.C. cannot be exercised in a routine manner unless there are some exceptional circumstances. Therefore, the application filed by the petitioner/accused was rightly declined.

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5. I have considered the arguments and have gone through the record carefully. Petitioner/accused had filed application under Section 311 Cr.P.C. to recall the prosecutrix examined as PW-1 for further cross-examination pertaining to alleged telephonic conversation of the prosecutrix with the mother of present petitioner/accused. It is settled proposition that the Court has the power to summon any person as a witness at any stage of inquiry, trial or other proceedings, which includes to recall a witness already examined during the trial. In order to exercise the powers under Section 311 Cr.P.C., the trial court has to satisfy itself that it was necessary for just decision of the case. In the case in hand, the prosecutrix was examined during the trial as PW-1. Copy of her statement is Annexure P-5. She was examined-in-chief on 04.03.2025 and on the request of counsel for accused, cross-examination was deferred, which was concluded on 05.03.2025. The copy of impugned order indicates that prosecution had already examined 08 witnesses when the impugned order dated 07.07.2025 has been passed. By way of additional evidence, present petitioner wants to recall the prosecutrix PW-1 for further cross-examination regarding the alleged conversation of prosecutrix with the mother of accused. I have gone through the contents of application Annexure P-3, which are totally silent about the date when the alleged conversation took place. There is no detail regarding the mobile phone number from which the prosecutrix called the mother of present petitioner/accused. One CD is annexed as Annexure P-4 without any certificate under Section 65-B of the Indian Evidence Act 1872. Even the transcript of said conversation was not attached with the application filed before the learned trial Court. The authenticity of said conversation is yet to be established. Moreover, the alleged conversation took place during the pendency of trial. In the light of

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aforesaid factual position, I do not find any valid reason to interfere in the impugned order dated 07.07.2025 vide which the application filed by petitioner/accused under Section 311 Cr.P.C. was declined. However, the petitioner is at liberty to lead his evidence in defence as per law. With this observation, criminal revision filed by the petitioner against impugned order dated 07.07.2025 passed by learned Additional Sessions Judge, S.A.S. Nagar is accordingly declined.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

**(AMARJOT BHATTI)
JUDGE**

03.11.2025.*Sunil Devi*

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