



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

CRM-M-55754-2025

Date of Decision: 29.10.2025

Sarpreet Singh @ Saffi

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. G.C. Shahpuri, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (Oral)

1. The petitioner has approached this Court by way of filing the present petition for quashing of impugned order dated 02.09.2025 (Annexure P-8) passed by learned Additional Sessions Judge, Yamuna Nagar at Jagadhri in a case FIR No.20, dated 28.01.2023, under Sections 323, 506, 307, 34 IPC at Police Station Sadar Jagadhri, District Yamuna Nagar, whereby the application filed by the petitioner under Section 311 Cr.P.C. for summoning the complainant-respondent No.2 for re-examination, has been dismissed.

2. It has been submitted by learned counsel for the petitioner that the petitioner is serving in Indian Army, who has been prosecuted in the said FIR. He submits that during the trial, complainant -Jaswinder Singh has been examined as PW-1 and his brother Pardeep Kumar as PW-15. He submits that relevant questions could not be put to the complainant at the time of his cross-examination and hence, application under Section 311 Cr.P.C. was filed. He submits that learned trial Court dismissed the same



vide order dated 02.09.2025 only on the ground that no specific reasoning had been given by the petitioner for invoking the power under Section 311 Cr.P.C. He submits that cross-examination of witness sought for, is necessary for the just decision of the case. He submits that learned trial Court has miserably failed to appreciate the application filed on the anvil of the law settled and thus, has illegally dismissed. He submits that application under Section 311 Cr.P.C. is maintainable at any stage before the conclusion of the trial. However, he restricts his prayer only to the extent that he may be allowed to file fresh application under Section 311 Cr.P.C., so as to take specific pleas in the application.

3. Notice of motion.

4. Mr. Sumit Jain, Addl. AG, Haryana, accepts notice on behalf of the State. He has opposed the submissions made by counsel for the petitioner.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner has been prosecuted in the said FIR and the application under Section 311 Cr.P.C. filed by him was dismissed only on the ground that no specific reasoning had been given by the petitioner to cross-examine the witness. Thus, without going into the merits of the case, in the interest of justice, the order dated 02.09.2025 is set aside and the petitioner would be at liberty to file fresh application under Section 311 Cr.P.C. before learned trial Court taking specific ground for invoking its power under Section 311 Cr.P.C. Learned trial Court would deal with the same by taking lenient view, in accordance with law. It is being clarified that this order would be applicable, if the petitioner files the



application within a period of two weeks from today, failing which the trial Court would proceed with the trial, in accordance with law.

29.10.2025
sharmila

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No