

CRR-1938-2025 (O&M)

IN THE HIGH COURT OF PUNJAB & HARYANA

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AT CHANDIGARH

CRR-1938-2025 (O&M)
Decided on: 10.02.2026

George and another

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Gurmehar Singh Minhas, Advocate
for the petitioners.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

Case No.	CIS Case No.CHI519/2013 CNR No.PBJLA1-000388-2013 Date of decision: 15.12.2017
Criminal Appeal No.	CRA-390-2018 Decided on: 31.05.2025

1. Aggrieved by the order dated 15.12.2017, vide which the learned trial Court had dismissed the application filed by the applicant under Section 311 CrPC to recall witness PW2-ASI Surinder Singh and PW5-Davinder Singh and also dismissal of appeal by the Sessions Court vide order dated 31.05.2025, the accused had come up before this Court by filing the present petition.
2. The matter was adjourned initially on request of the petitioner and after that once because the petitioner did not appear and last time again on the petitioner’s request.
3. Today I have heard counsel for the petitioner and gone through the pleadings and its analysis would lead to the following outcome.
4. The first application was dismissed on 15.12.2017 by learned Sub Divisional Judicial Magistrate at Nakodar. The reasons given by the concerned trial Judge was that although cross-examination was stated as an opportunity but at that time they never

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objected to the same, it means that they were given opportunity but they did not avail it. It is not the case of the petitioner that NIL opportunity means that opportunity was not given. Even otherwise the trend which is adopted by the trial Courts is that whenever an accused counsel does not want to cross-examine then they write NIL opportunity or cross-examination NIL. In this case also exactly this was written. However aggrieved by the same, accused had filed a petition before the Sessions Court, Jalandhar. Vide order dated 31.05.2025, the said petition was dismissed by passing a reasoned order. It was also observed that trial was concluded on 08.08.2018. Now challenging both the orders, the petitioner has come up before this Court. The reason for the present petition is that a compromise had taken place between the parties and the application for quashing of FIR based on compromise was also dismissed as withdrawn, in the meantime, the complainant had passed away. The factum of the compromise had nothing to do with recalling of the witnesses and this is not a ground to interfere. Furthermore it is clear that when the parties entered into a compromise, the same can be taken on record by the Appellate Court at any stage. As per law, whichever the Court is, it is always open for the parties to file an application for compounding or quashing based on such compromise. It is for the said Court to decide whether the application is maintainable or not. However in the present petition, the accused are trying to take advantage of the old application which was dismissed and it is nothing but a frivolous petition.

5. Given above, it is not a case for issuing notice and the same is dismissed accordingly. All pending application(s), if any, stand closed.

(ANOOP CHITKARA)
JUDGE

10.02.2026
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Whether speaking/reasoned: Yes
Whether reportable: No