

SC 58094/2016
STATE Vs. MANINDER SIDHU
FIR NO. 482/2014
PS Mukherji Nagar

31.01.2026

Present: Dr. Sarita Rani, Ld. Addl. PP for the State.

Accused on interim bail, through VC.

Sh.U.S. Gautam, Id. Counsel for accused.

An application under Section 311 Cr.P.C. has been filed on behalf of the accused. Copy has already been supplied to the Ld. Addl. PP for the State.

Arguments on the application under Section 311 Cr.P.C. for recalling of PW1 Sh.Ravneet Johar, PW10 Sh.Satnam Singh and Ms.Poonam Sharma, Sr. Scientific Officer (Biology), FSL Rohini, have been heard.

It is argued by Id. counsel for the accused that PW1 was examined on 31.08.2015 and was cross examined on 19.07.2016. PW10 Sh.Satnam Singh was examined and cross examined on 26.09.2017. It is further submitted that PW1 and PW10 are material prosecution witness and for fair and just decision of the present case, relevant questions are required to put to the said witness.

It is further argued that vide statement dated 04.03.2023 of the accused recorded under Section 294 Cr.P.C., accused has admitted the FSL report No. FSL 2014/DNA/4185 BIO No. 959/14 dated 26.08.2015 prepared by Ms.Poonam Sharma, Sr. Scientific Officer (Biology), FSL Rohini. It is further argued that said witness is required to be cross examined.

The application is strongly opposed by the Ld. Addl. PP for the State who has submitted that PW1 and PW10 were thoroughly cross examined by Id. counsel for the accused and recalling of said witnesses can cause

enormous mental trauma. It is further argued that the application deserves to be dismissed as it would lead to unnecessary delay in the trial. She further argued that FSL report has already been admitted by accused.

Heard. Perused. Referred case laws duly considered.

In catena of judgments, it has been emphasized that the accused should not be allowed to unnecessarily protract the trial or summon witnesses and also held that court should see as to whether the application filed by the accused is bonafide or not.

In the present case the ground for filing the instant application is that the erstwhile counsel did not cross examine the PW1 & PW10 properly. At this stage, it is relevant to quote the law as held by the Hon'ble High Court of Delhi in *Daljeet Singh and Ors. vs. State of Delhi and Ors.* Crl. M.C. No. 4868/16 and Crl. M.A. 20183/16 that:

“merely because there is change of petitioner's counsel subsequent to that, it does not give any right to recall the witness for further cross-examination on the ground that the previous counsel did not put certain relevant questions to him in the cross examination.”

It has also been held by the Hon'ble High Court of Delhi in *Rajender Sharma vs. The State Govt. of NCT of Delhi and Anr.* Crl. M.C. No. 4812/17 and Crl. M.A. 19186/17 that:

“merely change of counsel is no ground for allowing an application under Section 311 Cr.P.C. No doubt, this Court has sufficient discretionary power to recall a witness at any stage, however, the facts of the present case do not justify the exercise of the discretionary power. Record reveals that sufficient time was available to the petitioner to cross examine the witnesses and in fact the petitioner has already availed of the opportunity to cross examine the witnesses.”

Thus, in view of the aforesaid observations, I see no force in the arguments raised by the Ld. Counsel for the accused to recall PW1 Sh.Ravneet Johar and PW10 Sh.Satnam Singh again only because now a new private counsel has been engaged and the said new engaged counsel opines that some more questions could have been put to the said witnesses. Moreover, the said witnesses had been extensively cross examined by Ld. Counsel for the accused.

In view of the aforesaid discussion, the prayer made in application under Section 311 Cr.P.C. seeking to recall PW1 and PW10 stands **dismissed**.

As regards Ms.Poonam Sharma, Sr. Scientific Officer (Biology), FSL Rohini, it is submitted that the report prepared by her is admitted by the accused on 04.03.2023. The said evidence is a vital piece of evidence.

The matter is already at the stage of final arguments, however, to ensure fair trail and reach at a just decision in the case, let Ms.Poonam Sharma, Sr. Scientific Officer (Biology), FSL Rohini, be summoned for the next date of hearing through the SHO for **07.02.2026, subject to cost of Rs.10,000/- to be deposited with DLSA (North)**. Accused is directed to file the receipt of the cost on the next date of hearing. It is clarified that no adjournment be granted to the accused for this purpose.

Application stands disposed off accordingly.

Put up for PE on **07.02.2026**.

(Vandana)
ASJ-02 /North District
Rohini Courts/Delhi/31.01.2026