

**In the Court of Jaspreet Singh, PCS,
Sub-Divisional Judicial Magistrate,
Baba Bakala Sahib, District Amritsar,
UID No.PB0418.**

**(APPLICATION U/S 311 CrPC FOR RECALLING THE PW1 SURINDER
SINGH DHARIWAL AND PW2 ASI CHARAN SINGH FOR THEIR CROSS-
EXAMINATION)**

CHI-134-2022

State VS. Kuldeep Singh & another

Present : – Ld. APP for the State.
Applicant/accused Kuldeep Singh on bail represented by Sh.
Jatinder Karkara, Advocate.
Accused Ravinder Singh in custody. (not produced)

1. This order of mine shall dispose of an application U/s 311 CrPC for recalling PW1 Surinder Singh Dhariwal and PW2 ASI Charan Singh for their cross-examination filed by applicant/accused Kuldeep Singh.

2. Brief facts of the application is that applicants/accused seeks permission to cross-examine PW1 Surinder Singh Dhariwal and PW2 ASI Charan Singh who were examined on 14.03.2023 and 20.04.2023 respective as their cross-examination was not conducted by the defence counsel on said dates and this Court has passed regarding the opportunity given nil. It is further averred that cross-examination of aforesaid witnesses are very much necessary and essential as PW1 is complainant

and PW2 is Investigation Officer in the present case. On the aforesaid averments, prayer for allowing the present application has been made.

3. Reply to bail application not filed but application has been orally contested by Ld. APP for the State.

4. Heard both the parties and perused the file carefully. The perusal of file shows that the prosecution examined PW1 Surinder Singh Dhariwal and PW2 ASI Charan Singh on 14.03.2023 and 20.04.2023, but their cross-examination were treated as "NIL", whereas it seems that though the applicants/accused failed to cross-examine the above-said witnesses, but cross-examination of above-said witnesses are essential for the proper adjudication of the case on merits and also to meet the ends of justice. Apart from it, Section 311 CrPC also empowers the Court to summon or re-summon any witness during the enquiry or trial who is material for the just decision of the case. Though the applicant/accused seeks permission to cross-examine both PW1 Surinder Singh Dhariwal and PW2 ASI Charan Singh, however, perusal of file further shows that PW2 ASI Charan Singh has already been cross-examined on 20.02.2024. So, considering the above-said facts and circumstances, the present application in hand stands partly allowed and disposed of accordingly, subject to cost of Rs.1,000/- to be deposited in DLSA fund.

Date of Order: 08.11.2024

Parkash Singh Rawat, Steno Gr.-II

(Jaspreet Singh)

Sub-Divisional Judicial Magistrate

Baba Bakala Sahib

UID No.PB0418

(Jaspreet Singh)

Sub-Divisional Judicial Magistrate

Baba Bakala Sahib, UID NO.PB0418

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Arguments heard on the application U/s 311 CrPC filed by
applicant/accused Kuldeep Singh. Vide my separate order of even date,
the above-said application stands allowed, as per the terms detailed
therein. Let PW1 Surinder Singh Dhariwal be summoned for 29.11.2024.

Cost be also made till next date.

Date of Order: 08.11.2024

Parkash Singh Rawat, Steno Gr.-II

(Jaspreet Singh)

Sub-Divisional Judicial Magistrate

Baba Bakala Sahib

UID No.PB0418

(Jaspreet Singh)

Sub-Divisional Judicial Magistrate

Baba Bakala Sahib, UID NO.PB0418