

State vs. Satnam Singh. CIS No.SC/80 of 2019.

FIR No. 60 of 2015.

Under section 379-B, 201 IPC.

Police Station : Cantonment, Amritsar.

Application under section 311 Cr.PC for recalling of witnesses PW2 Neetu and PW3 Gurmeet Kaur for re-examination.

Present : Ms. Neeraj Azad, Additional PP for the State.
Both the accused on bail with counsel
Shri Avtar Singh Randhawa, Advocate.

ORDER

1. Prosecution has filed an application under section 311 Cr.PC and has submitted that during trial two witnesses namely Neetu as PW2 and Gurmeet Kaur as PW3 were examined who supported the prosecution case in examination-in-chief but during cross examination they did not support the prosecution case and turned hostile. That prosecution wants to re-summon those witnesses so that they can be re-examined regarding the hostile nature of evidence recorded by them. Therefore, prosecution has prayed for re-examination of those witnesses.

2. Reply to said application was filed by the accused taking preliminary objections that application is not maintainable and that application has been filed to harass the accused and to delay the trial. On

merits, it has been alleged that PW2 and PW3 namely Neetu and Gurmeet Kaur did not support the prosecution case and refused to identify the accused present in court as the culprits. That only because the witnesses have not supported the prosecution case, they cannot be re-summoned for re-examination as same would cause prejudice to accused, therefore, in the end they have prayed for dismissal of the application.

3. I have the submissions made by the learned Additional PP for the State and learned defence counsel and gone through the file. I am of the considered view that admittedly PW2 and PW3 have appeared in the court and they were examined by prosecution but even in examination-in-chief itself they have deposed that two persons came from behind and snatched the purse of complainant Sunita Rani and ran away. That they have not identified the accused as culprits in their examination-in-chief. That in their cross examination learned defence counsel had specifically put questions to them whether they can identify the accused present in the court and they have deposed that they do not identify the accused present in court as the culprits. That as PW2 and PW3 have not identified the accused as culprits even in their examination-in-chief, therefore, the

application under section 311 Cr.PC filed by the prosecution is certainly not maintainable and therefore, same is dismissed.

4. Now to come up on 23.1.2024 for prosecution evidence. Remaining unexamined prosecution witnesses be summoned for that date as last chance.

**Pronounced.
16.12.2023.**

**(Ravinderjit Singh Bajwa),
Additional Sessions Judge,
Amritsar (UID No.PB0231).**

***dalipkumar
Stenographer Grade-I.**