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CRM-M-22135-2026 (O&M)

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

(135)

CRM-M-22135-2026 (O&M)

Date of Decision:- 23.04.2026

HUSNAIN @RAJA

.....Petitioner

Versus

STATE OF HARYANA AND ANR

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Parveen Kumar, Advocate for the petitioner.

Ms. Swati Batra, Sr. DAG, Haryana.

ALOK JAIN, J. (Oral)

1. The present petition has been filed challenging the order dated 11.03.2023, whereby the application filed by the petitioner/accused under Section 311 of the Cr.P.C., *inter alia*, seeking recall of the victim and the complainant for further cross-examination, has been dismissed.

2. Learned counsel for the petitioner submits that it is a cardinal principle of criminal administration that it is better to release ten guilty persons than to convict one innocent person. Learned counsel further submits that the application ought to have been allowed to unveil the truth before the learned trial Court so that the matter could be properly adjudicated.

3. Heard learned counsel for the petitioner at length and perused the record.



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4. Admittedly, the victim and the complainant were examined and cross-examined in the year 2024. Subsequently, on 06.03.2026, the application under Section 311 Cr.P.C. was filed (Annexure P-5), and only reason for filing of the said application is the change of counsel and that the previous counsel did not conduct proper cross-examination. Moreover, the application did not specified as to what further examination or cross-examination was required to be conducted. Since, a vague and evasive application has been filed, and it is a settled principle of law that a mere change of counsel does not entitle a party to recall a witness.

5. In light of the above, finding no merit in the present petition, the same is dismissed.

6. Pending application(s), if any, stands disposed of.

(ALOK JAIN)
JUDGE

April 23, 2026

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Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No