

|           |
|-----------|
| S. No. 72 |
| Regular   |

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH**  
**AT SRINAGAR**

**CRM(M) No. 687/2025**  
**CrLM No. (1728/2025)**

**Bashir Ahmad Lone** **...Petitioner/Appellant(s)**

Through: Mr. Musawir Mir, Advocate

**Vs.**

**Union Territory of J&K Through P/S** **...Respondent(s)**  
**Pattan**

Through: Mr. Hakim Aman Ali, Dy.AG

**CORAM: HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE**

**ORDER**  
**16.09.2026**

1. Heard both the counsel.
2. The petitioner, who is facing trial as an undertrial before the Court of the learned Special Judge, NDPS Court, Baramulla, in a case arising out of FIR No. 10/2023 for the commission of offences under Sections 8/20 of the NDPS Act, is aggrieved of order dated 24.10.2025 passed by the Trial Court. By virtue of the impugned order, the Trial Court has allowed an application moved by the Public Prosecutor seeking re-examination of PW-1, PW-2 and PW-10, besides summoning and examination of two additional witnesses, namely, the concerned Patwari and the Police Personnel who had deposited the samples with the FSL, Srinagar. According to the Public Prosecutor, these two witnesses are material

witnesses whose examination is necessary for a just adjudication of the case.

3. The petitioner contends that the application was moved at a belated stage and with a view to fill up the lacunae and improve the prosecution case. It is submitted that PW-1, PW-2 and PW-10 had already been examined by the prosecution and duly cross-examined by the defence. The prosecution, therefore, could not subsequently be permitted to improve its case by taking recourse to certain factual aspects that had emerged during the cross-examination of these witnesses. It is further submitted that cross-examination is an important safeguard available to an accused to test the veracity and credibility of prosecution witnesses. Once the cross-examination of PW-1, PW-2 and PW-10 had concluded, and no leave for their further examination was sought at the relevant stage, the prosecution could not subsequently seek their re-examination merely to overcome matters elicited during cross-examination.
4. Learned counsel appearing for the respondent, while opposing the submissions advanced on behalf of the petitioner, nevertheless agreed, in principle, that once a witness has been examined, his re-examination at a subsequent stage can be permitted only where circumstances warranting such a course are made out.
5. Having heard learned counsel for the parties and considered the matter, this Court finds that no sufficient ground was laid before the Trial Court warranting the re-examination of PW-1, PW-2 and PW-10. To that extent, the impugned order suffers from grave impropriety and cannot be sustained. Permitting the prosecution to re-examine the aforesaid witnesses in the circumstances of the case is likely to prejudice the defence of the petitioner. Accordingly, the impugned order, insofar as it

permits re-examination of PW-1, PW-2 and PW-10, deserves to be set aside.

6. Insofar as the examination of the concerned Patwari and the Police Personnel who had deposited the samples with the FSL, Srinagar, is concerned, they appear to be material witnesses. Learned counsel for the petitioner has also fairly conceded that the petitioner would have the right to cross-examine these witnesses and has no objection to their examination during the course of the trial, as directed by the Trial Court.
7. In view of the aforesaid, the impugned order is modified to the extent that the direction permitting re-examination of PW-1, PW-2 and PW-10 is set aside. However, the impugned order, insofar as it permits the summoning and examination of the concerned Patwari and the Police Personnel who had deposited the samples with the FSL, Srinagar, is upheld.
8. The Trial Court shall, accordingly, proceed to summon and examine the aforesaid two witnesses in accordance with law, with due opportunity to the petitioner/accused to cross-examine them.
9. The petition stands disposed of in the above terms.
10. A copy of this order be forwarded to the Trial Court for information and compliance.

**(SANJAY PARIHAR)**  
**JUDGE**

**SRINAGAR:**

**16.09.2026**

*Akhil Dev*