

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

**Crl. Misc. No. M-17688 of 2013
Date of Decision: 29.9.2015.**

Ashok Kumar and others

.....Petitioners

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Naveen Batra, Advocate and
Mr. Abhinav Ghabroo, Advocate for
Mr. Rahul Sharma, Advocate
for the petitioners.

Mr. J.S.Sekhron, AAG, Punjab

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SABINA, J.

Petitioners have filed this petition under Section 482 of the Code of Criminal Procedure, 1973 challenging the orders dated 10.3.2015 (Annexure P-3) and 18.5.2015 (Annexure P-4).

Learned counsel for the petitioners have submitted that PW-1 Tushima could not be cross-examined on 10.3.2015 as the counsel for the petitioners was not available. However, petitioners were present in person before the Trial Court. Learned counsel for the petitioners have further submitted that only one opportunity be granted to the petitioners to enable them to cross-examine PW Tushima.

Learned State counsel, on the other hand, has opposed the petition.

Vide order dated 10.3.2015, cross-examination of PW

Tushima was treated to be nil and the case was adjourned for examination of the remaining prosecution witnesses. Keeping in view the submissions made by the learned counsel for the petitioners, it would be just and expedient to grant one opportunity to the petitioners to enable them to cross-examine PW Tushima. In case the petitioners are not permitted to cross-examine PW Tushima-complainant, they would not be able to put up their defence.

Accordingly, this petition is allowed. Impugned orders dated 10.3.2015 (Annexure P-3) and 18.5.2015 (Annexure P-4) are set aside. Trial Court is directed to grant one opportunity to the petitioners to enable them to cross-examine PW Tushima subject to payment of ₹ 5,000/- as costs. Costs be deposited with District Legal Services Authority, Kapurthala. Thereafter, the Trial Court shall proceed further with the case, in accordance with law.

**(SABINA)
JUDGE**

September 29, 2015
Gurpreet