

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

CRM-M-1779-2015

Decided on : 19.05.2015

Lakhwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MS. JUSTICE NAVITA SINGH

Present : Mr. B.D. Sharma, Advocate
for the petitioner.

Mr. P.S. Grewal, DAG, Punjab.

NAVITA SINGH, J. (Oral)

This petition is moved by the petitioner for permission to cross-examine the witnesses examined as PW-4, PW-5 and PW-6, namely, Davinder Singh Randhawa, Sarabjit Singh and Inspector Gurdeep Singh, respectively.

It is submitted that on 26.08.2014, examination-in-chief of PW-4 and PW-5 was recorded and cross-examination was deferred, as counsel for the petitioner was not available. On the next date i.e. 15.09.2014 against counsel representing the petitioner did not cross-examine the witnesses, which fact is given in Para No.9 of the petition. However, it is not mentioned whether the counsel was not present or did not cross-examine the witnesses.

Counsel for the petitioner submits that since the petitioner was in custody and the counsel had not appeared for him, he was not given fair opportunity to cross-examine the witnesses and Court also did not appoint any counsel from the legal-aid to help the petitioner.

The petitioner is facing trial for the offence under Section 22 of NDPS Act, which entails a minimum punishment of 10 years imprisonment and a fine of Rs.1,00,000/-. The petitioner deserves a fair opportunity to cross-examine the witnesses, irrespective of the result of the trial at a later stage.

The impugned order whereby the application of the petitioner for permission to cross-examine the witnesses was declined by the trial Court on 06.10.2014 is set aside. It is directed that petitioner shall be given opportunity to cross-examine the above named witnesses, as it is submitted on his behalf that he has now engaged another counsel.

The next date fixed now before the trial Court is 27.05.2015. It is, therefore, directed that on the next date which will be fixed in the trial after that, the above witnesses shall be summoned, so that the petitioner is in a position to cross-examine them. Two effective opportunities shall be given to the petitioner to do the needful and if cross-examination is not conducted, the trial shall proceed further.

Disposed of.

May 19, 2015
Naveen

(NAVITA SINGH)
JUDGE