

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

CRM No. M-2219 of 2015
Date of Decision: 05.02.2015

Rajinder and Another

..... Petitioners

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE K.C. PURI.

Present: Mr. Vivek K. Thakur, Advocate and
 Mr. Rahul Jaswal, Advocate
 for the petitioners.

Mr. P.P. Chahar, DAG, Haryana.

K.C. PURI, J. (ORAL)

This is a petition under Section 482 of the Code of Criminal Procedure for challenging the order dated 06.01.2015, passed by Dr. Sushil Kumar Garg, Additional Sessions Judge, Panipat vide which the application moved by the petitioners-accused in the present petition for cross-examination of PW-2 (Ramphal) was disallowed.

PW-2 (Ramphal) is the material witness in the present case and he could not be cross-examined as the lawyers of the Bar were on strike on 02.05.2014 on which the said witness was examined. The accused cannot be allowed to suffer on account of the strike by the lawyers. Cross-examination is the only way to check the veracity of the witnesses. Admittedly, PW-2 (Ramphal) is the material witness. So, the trial Court should not have gone into technicalities and should have allowed the application for cross-examination.

Consequently, the impugned order dated 06.01.2015 stands set aside and the petitioners are allowed to cross-examine the said

witness. However, it is made clear that only one opportunity for cross-examination will be given.

Disposed of.

A copy of this order be conveyed to the quarter concerned for compliance.

February 05, 2015

dk kamra

**(K.C. PURI)
JUDGE**