

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

**Crl. Misc. No. M-38982 of 2015
Date of Decision: 18.12.2015.**

Pargat Masih @ Pagga and others

.....Petitioners

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Vikas Gupta, Advocate
for the petitioners.

Mr. A.S.Sidhu, AAG, Punjab

.....

SABINA, J.

Petitioners have filed this petition under Section 482 of the Code of Criminal Procedure, 1973 challenging the orders dated 24.3.2015 (Annexure P-2) and 18.9.2015 (Annexure P-1).

Learned counsel for the petitioners has submitted that on 24.3.2015, counsel for the petitioners was in some personal difficulty and could not cross-examine the prosecution witnesses. Petitioners be granted one opportunity to enable them to cross-examine PW-1 and PW-2 who are the complainant and the eye witness. In case the petitioners are not permitted to cross-examine the said witnesses, they will suffer injustice and will not be able to put up their defence.

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

In the present case, petitioners are facing trial qua commission of offence punishable under Section 302 of the

Indian Penal Code, 1860. In case the petitioners do not cross-examine PW-1 Aman Masih-complainant and PW-2 Mukha Masih-eye witness, they would not be able to put up their defence and cause of justice will suffer.

Accordingly, this petition is allowed. Impugned orders dated 24.3.2015 (Annexure P-2) and 18.9.2015 (Annexure P-1) are set aside. Trial Court is directed to grant one effective opportunity to the petitioners to enable them to cross-examine PW-1 and PW-2 and thereafter the Trial Court shall proceed further with the trial, in accordance with law.

**(SABINA)
JUDGE**

December 18, 2015
Gurpreet