

In the High Court of Punjab and Haryana at Chandigarh.

CRR-3383-2015

Date of Decision:19.11.2015

Jaspal Singh @ Jassu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Rajiv Verma, Advocate,
for the petitioner.

Mr. J.S. Sekhon, AAG, Punjab.

SABINA, J.

Petitioner has filed this petition challenging the order dated 17.08.2015, whereby application moved by the petitioner under Section 311 of Criminal Procedure Code, 1973 (for short 'Cr.P.C.) was dismissed.

Learned counsel for the petitioner has submitted that petitioner be granted one opportunity to enable him to cross-examine PWs Head Constable Jhirmal Singh, Assistant Sub Inspector Tehal Singh and Head Constable Rupinder Singh. Learned counsel for the petitioner has further submitted that witnesses could not be cross-examined on the date fixed as the counsel for the petitioner was busy in another Court.

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

In the present case, witnesses in question could not be cross-examined by the defence counsel as he was busy in another Court. Petitioner is facing criminal proceedings qua commission of offence punishable under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985. In case petitioner is not permitted to cross-examine the witnesses in question, petitioner will not be able to put up his defence.

Keeping the interest of justice in mind, this petition is allowed. Impugned order dated 17.08.2015 is set aside. Consequently, application moved by the petitioner under Section 311 Cr.P.C. for recalling witnesses Head Constable Jhirmal Singh, Assistant Sub Inspector Tehal Singh and Head Constable Rupinder Singh for cross-examination is allowed. It is clarified that the petitioner be granted only one opportunity to enable him to cross-examine the said witnesses. Thereafter, the trial Court shall further proceed with the case in accordance with law.

November 19, 2015
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(SABINA)
JUDGE