

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3237-2016

DECIDED ON: JANUARY 29, 2016

Harpreet Singh @ Raja

....Petitioner...

VERSUS

State of Punjab

....Respondent...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sandeep Sharma, Advocate for
Mr. Veneet Sharma, Advocate,
for the petitioner.

JASPAL SINGH, J (Oral)

Instant petition has been preferred under Section 482 of the Code of Criminal Procedure by Harpreet Singh @ Raja for setting aside the orders dated 30.10.2015 (Annexure P-2) and 09.12.2015 (Annexure P-3) passed by Id. Additional Sessions Judge, Amritsar whereby an application moved under Section 311 Cr.P.C. for recalling order dated October 30, 2015, was dismissed.

2. Notice of motion to respondent-State.
3. At the asking of Court, Mr. RPS Sidhu, AAG, Punjab accepts notice on behalf of respondent-State of Punjab. Copy of the petition be supplied to learned State counsel during the course of day.
4. Heard.
5. Impugned order dated 09.12.2015 perused.
6. A glance at the impugned order transpires that sufficient

opportunity has already been afforded to the petitioner for the cross-examination of prosecution witnesses. However, the lapse, if any, is on the part of counsel, who could not examine the witnesses on the dates fixed in the case before the trial court, for that purpose, petitioner cannot be made to suffer.

7. Accordingly, while setting aside impugned orders, instant petition is disposed of with the direction to Id. trial court to afford an effective opportunity to the petitioner to cross-examine the prosecution witnesses and then proceed with the case, in accordance with law.

8. This order is subject to the payment of ₹5000/- as costs, which shall be deposited with the Legal Services Authority, Amritsar.

JANUARY 29, 2016
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(JASPAL SINGH)
JUDGE