

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

**CRM No. M-13086 of 2017 (O&M)
Date of Decision: April 19, 2017.**

Sandeep

.....PETITIONER(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. H.N.Sahu, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

Heard.

Learned counsel for the petitioner confines the relief in this petition to the extent that petitioner be permitted to confront PW-1 Ashu with his previous statement recorded by the police under Section 161 Cr.P.C. The application Annexure P-3 was also moved to this effect though so many other facts were also recorded in that application.

Notice of motion.

On asking of the Court, Ms. Neelam Kashyap, DAG, Haryana accepts notice on behalf of the State.

Section 145 Indian Evidence Act (later referred as the Act) reads as follows:-

145. Cross-examination as to previous statements in writing:-*A witness may be cross-examined as to previous statements made by him in writing or reduced into writing, and relevant to matters in question, without such writing being shown to him, or being proved; but, if it is intended to contradict him by the writing, his attention must, before the writing can be proved, be called to those parts of it which are to be used for the purpose of contradicting him.*

As per above provision, defence counsel is within his right to confront a prosecution witness with his previous statement made by him in writing or reduced into writing and relevant to the matter in question.

As the counsel for the petitioner confines the relief claimed only to the extent to cross-examine PW-1 Ashu, as per the spirit of Section 145 of the Act, this petition is allowed. The petitioner may confront PW-1 Ashu with his previous statement as per the provisions of Section 145 of the Act.

April 19, 2017
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No