

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8875-2017

Date of Decision:- 17.03.2017

Baljinder Singh and another

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Vishal Ghai, Advocate
for the petitioners.**

RITU BAHRI, J. (Oral)

Present petition under Section 482 Cr.P.C. for quashing of order dated 27.01.2017 (Annexure P-2), passed by learned Judicial Magistrate 1st Class, Jagraon, in case FIR No.66 dated 14.07.2008, under Sections 406 and 498-A IPC, registered at Police Station Sudhar, District Ludhiana, whereby an application dated 04.11.2016 (Annexure P-1) filed by them under Section 311 Cr.P.C., for recalling the witness, namely, Swaran Singh (PW3), was dismissed.

Learned counsel for the petitioners submits that the learned trial Court has examined PW-3 Sarwan Singh (Retired Inspector/Investigating Officer) in the absence of the petitioners and no opportunity was granted to them to cross-examine the said witness and the cross-examination was treated to be 'Nil'. So, they be allowed to cross-examine the said witness.

After hearing the learned counsel for the petitioners, going thorough the record, the present petition is accepted and accordingly, order order dated 27.01.2017, passed by the learned Judicial Magistrate 1st Class, Jagraon (Annexure P-2), is hereby quashed and direction is given to the trial Court to allow to cross-examine PW-3 Sarwan Singh by learned defence counsel. However, it is made clear that only one effective opportunity shall be given for the purpose.

March 17, 2017
naresh.k

(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No