

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

CRL. REVISION No.3002 OF 2017
DATE OF DECISION : 25th AUGUST, 2017

Raghubir Singh Bajwa

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

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Present : Mr. Kanwaljit Singh, Senior Advocate with
 Mr. Parunjeet Singh, Advocate for the petitioner.

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A. B. CHAUDHARI, J. (ORAL)

Notice of motion.

Mr. Ramandeep Sandhu, Sr. D.A.G. Punjab accepts notice
on behalf of the State.

Rule.

Heard forthwith with consent of learned counsel for the
parties.

The petitioner a Junior Engineer is facing trial in a case
under Prevention of Corruption Act for holding disproportionate assets to
the extent of ₹37,79,643/-. The trial Court has found that the petitioner's
Advocate did not appear for cross-examination, of the witnesses who
were present.

No fault can be found out with the trial Court's order in
treating the cross-examination as nil. However, I find that the State is to
be compensated if the petitioner is asking for a chance to cross-examine

the witness as it would be of nobody's benefit if the witness goes without cross-examination.

In that view of the matter, I make the following order:

ORDER

- (i) CRL. REVISION No.3002 OF 2017 is allowed.
- (ii) Impugned order dated 19.07.2017 passed by learned Additional Sessions Judge, Ludhiana is quashed and set aside.
- (iii) The petitioner shall be allowed to cross-examine the witnesses on day-to-day basis, in respect of which order dated 04.10.2016 was passed.
- (iv) The petitioner shall deposit an amount of ₹30,000/- as costs with the trial Court, to be forfeited to the State, as a pre condition for cross-examination of the witness.

25th AUGUST, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes</i>	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	<i>No</i>