

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

CRM-M-19113-2018

Date of decision: 07.05.2018

Surinder Singh @ Shinda

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. J.S. Brar, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for quashing of order dated 17.04.2018 (Annexure P-1) passed by the trial Court, vide which cross-examination of PW4 Binder Singh and PW5 Jagsir Singh was declared as Nil, during pendency of the trial arising out of FIR No.59 dated 09.05.2017 under Sections 341, 289, 323, 201, 148, 149 IPC, registered at Police Station Sadar Faridkot, District Faridkot.

Learned counsel for the petitioner submits that the charges were framed on 24.01.2018 and thereafter, three prosecution witnesses were examined. It is further submitted that two main prosecution witnesses i.e. Binder Singh and Jagsir Singh were present on 07.04.2018, however, on

request of defence counsel, the statements of these witnesses were not recorded and the case was adjourned for 17.04.2018. On 17.04.2018, examination-in-chief of both these witnesses was recorded as PW4 and PW5, however, counsel for the petitioner was busy and could not cross-examine these witnesses and therefore, the trial Court declared the cross-examination as Nil, by reporting that opportunity given. Counsel for the petitioners further submits that the petitioner is accused in the FIR and he has an important right to cross-examine the prosecution witnesses to prove his innocence and plead his defence.

Notice of motion.

On asking of the Court, Ms. Samina Dhir, DAG, Punjab accepts notice on behalf of the respondent and a copy of the petition is supplied to her.

Considering the fact that the charges were framed on 24.01.2018 and till the time, the impugned order has been passed, three prosecution witnesses have already been examined and thereafter, cross-examination was done by counsel for the accused-petitioner, which shows that there was no such intention on the part of the petitioner's counsel not to cross-examine these two witnesses i.e. PW4 Binder Singh and PW5 Jagsir Singh, this petition is allowed and the impugned order dated 17.04.2018 passed by the trial Court is set aside. The petitioner is granted one opportunity to cross-examine aforesaid two witnesses and the trial Court will summon them and allow the petitioner to cross-examine, however, subject to payment of costs of Rs.5,000/- to be deposited with the District

Legal Services Authority, Faridkot.

Petition is disposed of.

07.05.2018
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No