

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 22658 of 2018
Date of Decision : 24.05.2018

Jaskaran Singh and another ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. J.K. Singla, Advocate for the petitioners.

Anupinder Singh Grewal, J.(Oral)

The petitioners have impugned the order dated 03.01.2018, whereby his application for cross-examination of PW4, HC Ujaggar Singh was disallowed as well as the order dated 08.05.2018 passed by the Additional Sessions Judge, Mansa, whereby his revision there against has been dismissed.

The petitioners are facing trial in FIR No. 21, dated 23.02.2013, under Sections 120-B, 420 IPC and Section 61-1-14 of Excise Act, registered at Police Station Sadar Mansa. They had preferred an application under Section 311 Cr.P.C. for recalling PW4 HC Ujaggar Singh for cross-examination as earlier he could not be cross-examined.

Learned counsel for the petitioners contends that cross-examination of PW4 would be necessary for the just decision in the case as he is an official witness to the recovery, which has been allegedly effected from the petitioners and other accused. He could not be cross-examined on 14.11.2017 as the petitioners' counsel was unwell. On that date itself, the trial Court recorded the cross-examination of PW4 as NIL and the matter

was fixed for examination of other witnesses. He has, thus, been deprived of an effective opportunity to cross-examine the witness.

Issue notice to the respondent.

At the asking of the Court, Mr. Sidakmeet Sandhu, Assistant Advocate General, Punjab, accepts notice on behalf of the respondent.

The petitioners are facing trial under the Excise Act. Recovery of country made liquor is stated to be effected from them. The recovery was effected in the presence of PW4, who is a police official. He is, thus, a material witness in the trial and in case, he is not cross-examined, it would cause prejudice to the petitioners.

Consequently, the petition is allowed and the impugned orders dated 03.01.2018 and 08.05.2018 are set-aside. The petitioners shall be granted only one opportunity to cross-examine PW4, HC Ujaggar Singh.

May 24, 2018
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(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned? *Yes/No*
Whether reportable? *Yes/No*