

CRM-M-33005 of 2017

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

CRM-M-33005 of 2017
Date of Decision: 12.09.2018

Gurpreet Singh and another

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Siddharth Gupta, Advocate, for the petitioners.
Mr. Davinder Bir Singh, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C. accused have laid challenge to order of the trial Court dated 25.04.2017 (Annexure P-2), whereby cross-examination of PW1 and PW2 by the petitioners has been treated as 'nil'.

In nutshell, petitioners are facing trial in case FIR No.89 dated 19.03.2016 registered under Sections 457, 380 and 411 IPC at Police Station City Rampura, District Bathinda. On 25.04.2017 two prosecution witnesses were present, but counsel for the petitioners pleaded no instructions to cross-examine them. Therefore, finding no other option, the trial Court closed the cross-examination of the aforesaid witnesses by the petitioners through their counsel treating the same as 'nil' vide impugned order.

Learned counsel for the petitioners *inter alia* contends that petitioners were very much present on that day before the trial Court. Therefore, the trial Court ought to have granted one opportunity either to engage a new counsel or to cross-examine the said two witnesses, who were present on that day, themselves.

Having considered the submissions made by learned counsel for the petitioners, impugned order dated 25.4.2017 (Annexure P-2) is set aside. Single opportunity is granted to the petitioners to cross-examine the prosecution witnesses

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PW1 and PW2, who were present on 25.04.2017 themselves or through their counsel, subject to payment of costs of ₹2,000/- to be deposited with the District Legal Services Authority, Bathinda.

Disposed of.

September 12, 2018
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No