

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

CRM-M No.3510 of 2017

Date of decision: 13.03.2018

Malkit Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Bhavesh Aggarwal, Advocate
for Mr. Ashish Aggarwal, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

Mr. Vaibhav Narang, Advocate for respondent No.2.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for setting-aside the order dated 16.01.2017 (Annexure P3) passed by the trial Court in criminal complaint No.NACT/3419/2015 dated 11.12.2015 vide which the cross-examination of CW1 was treated as NIL.

Counsel for the petitioner has submitted that on the date of recording evidence, the petitioner/accused was present before the trial Court, however, on account of non-availability of counsel for the petitioner, the trial Court has treated the cross-examination of CW1 namely Manjit Singh as NIL. It is further submitted that the right of cross-examination is an important right given to the accused person to set up his defence and put up all the relevant question to the prosecution witnesses and in absence of the cross-examination of CW1, the right of defence of the petitioner will be adversely affected.

Counsel for State assisted by counsel for respondent No.2

has opposed the submissions made by counsel for the petitioner.

In view of the submission made by counsel for the petitioner, I deem it appropriate to allow the present petition and set-aside the order dated 16.01.2017 passed by the trial Court and grant one effective opportunity to the petitioner to cross-examine the witness i.e. CW1 – Manjit Singh. The trial Court will fix a date and grant one effective opportunity to the petitioner to cross-examine CW1 – Manjit Singh. This will however, be subject to payment of costs of Rs.2500/- to be paid to the complainant at the time of cross-examination of CW1.

Disposed of accordingly.

(ARVIND SINGH SANGWAN)
JUDGE

13.03.2018
yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No