

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-2877-2016

Date of decision: 01.11.2018

Jit Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. GS Thind, Advocate for
Mr. Sanjeev Sharma, Advocate for the petitioner.

Mr. AS Gill, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this revision, petitioner has laid challenge to the order dated 19.04.2016 of the trial Court, whereby cross-examination of his witness PW-5 Bhag Singh, initially was treated as 'Nil' and later on was dispensed with.

The petitioner is facing trial in case FIR No. 165 dated 14.08.2011 registered under Sections 279, 337 and 338 IPC at Police Station Samrala, Police District Khanna, District Ludhiana, in which the prosecution examined PW-5 Bhag Singh. However, when the petitioner through his counsel did not cross-examine PW-5 Bhag Singh, on 09.03.2015, his cross-examination was treated as 'Nil'.

Thereafter, re-summoning of said prosecution witness-Bhag

was permitted to cross-examine the said witness.

Pursuant thereto, PW-5 Bhag Singh, appeared for his cross-examination, but the petitioner did not choose to cross-examine him and also did not pay the costs in compliance to the aforesaid order dated 09.03.2015. Resultantly, finding no other option, the trial Court, dispensed with the cross-examination of PW-5 Bhag Singh, on behalf of the petitioner in terms of Section 309(2) Cr.P.C. vide order dated 19.04.2016, impugned herein.

Learned counsel for the petitioner *inter alia* contends that single opportunity may be granted to the petitioner to cross-examine the said witness, subject to payment of costs.

On the other hand, learned State counsel vehemently opposing the submission of learned counsel for the petitioner contends that decision of trial has already been delayed much, on account of repeated defaults of the petitioner. Due to his negligent and arrogant conduct, the petitioner is not entitled to even a single opportunity to cross-examine PW-5 Bhag Singh.

Having given anxious consideration to the rival submissions of both the sides, this Court finds the instant revision completely devoid of any merit for the simple reason that the petitioner was afforded two opportunities to cross-examine PW-5 Bhag Singh, despite the fact of treating the cross-examination of said witness once as 'Nil'. The petitioner even did not deposit the costs which was imposed, while allowing his application under Section 311 Cr.P.C., for recalling the said witness for his cross-examination vide order dated 09.03.2015 of the trial Court.

Considering the above factual aspect of the matter, the

petitioner does not deserve any further opportunity for cross-examination of PW-5 Bhag Singh.

Consequently, the instant revision being devoid of any merit is dismissed.

November 01, 2018
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(RAMENDRA JAIN)
JUDGE

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