

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

Sr. No.203

CRR No.2900 of 2018 (O&M)
DECIDED ON: March 27, 2019

MEGHA SINGH AND ANOTHER

..PETITIONERS

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Sunny Deep Joneja, Advocate,
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Upinder Singh Jandu, Advocate,
for the complainant.

SUDHIR MITTAL, J. (ORAL)

The petitioners are the accused. Vide order dated 12.03.2018, the trial Court has closed their right to cross-examine the prosecution witnesses because the said witnesses had appeared five times for cross-examination and despite grant of last opportunity and imposition of costs, cross-examination was not conducted and costs were also not paid.

Learned counsel for the petitioners submits that the petitioners belonged to the weaker section of the society and were being represented through legal aid counsel and he did not take the requisite interest. Thus, the default took place. He prays that one last and final opportunity may be granted to the petitioners to cross-examine the prosecution witnesses subject to the payment of costs of Rs.5,000/- to the complainant.

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Learned State counsel as well as counsel for the complainant oppose the prayer. They support the order of the trial Court.

The petitioners are accused of having committed murder. Thus if they are not permitted to cross-examine the prosecution witnesses, their right of defence shall be seriously prejudiced. However, they deserve to be saddled with costs for having wasted precious court time.

The petition is accordingly allowed and the impugned order dated 12.03.2018 passed by learned Additional Sessions Judge, Patiala, is set aside. The trial Court is directed to grant one effective opportunity to the petitioners to cross-examine the prosecution witnesses on a date to be fixed by it. This is however subject to payment of costs of Rs.5,000/- which shall be paid to the complainant. The parties are directed to appear before the trial Court on 06.04.2019 on which date the trial Court shall fix a date for cross-examination.

March 27, 2019

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No