

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

**CRM-M-16997-2018 (O&M)
Date of Decision: 20.11.2019**

Jasvir Singh

... Petitioner

v/s

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present :- Mr. H.S.Dhindsa, Advocate
for the petitioner.

Mr. Amitoj Singh Dhaliwal, DAG Punjab.

Mr. C.S.Jattana, Advocate
for respondent No.2.

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SURINDER GUPTA, J. (ORAL)

The cross-examination of the witnesses namely Jaspal Singh (PW1) and Amarjit Singh (PW2) was treated as 'nil' by the Court after the defence counsel failed to appear and cross-examine the witnesses despite granting of opportunity. Learned counsel for the petitioner has tried to justify non-appearance of defence counsel on 21.08.2017 with submission that on that date he was busy before other Court. However, he has no explanation for not cross-examining the witnesses on other dates. Their statements were recorded on 05.05.2017 and 12.06.2017 and they were not cross-examined on that day and also on subsequent dates when they appeared to depose. This indicated that defence counsel has been deliberately avoiding to appear just to delay the trial of the case and avoid cross-examination of witness. Such attitude and practice by the defence counsel before the trial Court cannot be appreciated.

Learned counsel for the petitioner submits that petitioner has now changed his counsel and all the witnesses will be cross-examined on the same date, their examination in-chief is recorded. He seeks one more opportunity for cross-examination of both PWs Jaspal Singh and Amarjit Singh.

Keeping in view the fact that the petitioner should not suffer due to conduct of his counsel particularly when he has changed that counsel, this petition is allowed, subject to payment of Rs.10,000/- as cost, which will be deposited with the District Legal Services Authority, Ludhiana within a period of two weeks. On deposit of the costs, petitioner will be allowed one opportunity to cross-examine PWs Jaspal Singh and Amarjit Singh.

It is also made clear that all the other witnesses will be cross-examined by the defence counsel, on the date their statements are recorded and no adjournment in this regard will be allowed.

20.11.2019

Janki/Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No