

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

259

CRM-54877 of 2019

Date of decision : 06.03.2020

Chand Arora and others

... Petitioners

Versus

State of Punjab and another

.. Respondents

CORAM : HON'BLE MR.JUSTICE RAMENDRA JAIN

Present:- Mr.Arjunveer Sharma, Advocate
for the petitioners.

Mr.Bhupender Beniwal, AAG, Punjab

Ramendra Jain, J. (Oral)

Mr.Mohit Vashishat, Advocate has put in appearance on behalf of respondent No.2 and filed his Power of Attorney which is taken on record. Be tagged at appropriate place.

Through the instant petition under Section 482 of the Code of Criminal Procedure, the petitioners have laid challenge to order dated 01.03.2019, whereby opportunity to cross examination of PW-3 Anu was ordered to be treated as nil on account of non-appearance of their advocate and order dated 15.11.2019, whereby application under Section 313 Cr.P.C. for recalling PW-3 Anu for her cross-examination has been rejected.

Heard.

Having given thoughtful consideration to the rival submissions, this Court finds that treating cross-examination of PW-3 “nil” by the trial Court, is disproportionate and harsh on account of non-appearance of their counsel. The trial Court must have afforded at least one last opportunity to the petitioners for cross-examination of PW-3, before treating the same as nil, to make arrangement of some

alternative counsel or cross-examination of PW-3 Anu by their counsel, who was already appearing.

In view of above, impugned orders dated 01.03.2019 and 15.11.2019 are set aside with direction to the trial Court to procure presence of PW-3 Anu and afford an opportunity to cross-examine her by the petitioner subjects to costs of Rs.3000/-to be paid to the respondent.

With the above observation, this petition is disposed of.

[RAMENDRA JAIN]
JUDGE

06.03.2020
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No