

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

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CRR-433-2022 (O&M)

Date of Decision: 05th April, 2022

DALJIT SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Naveen Batra, Advocate,
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

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VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been preferred by petitioner against the order dated 25.10.2021, whereby the Sessions Judge, SBS Nagar had ordered the cross-examination of prosecution witness Gagandeep Singh to be treated as nil, as the defence counsel had not turned up to cross-examine the said witness.

Learned counsel appearing on behalf of the petitioner has submitted that the interest of justice ought not to be compromised on account of default committed by the counsel. He further points out that he has already changed his advocate for the aforesaid act of dereliction and has now engaged another advocate. He further submits that procedural laws are handmaiden of justice and are meant to secure the ends of justice. It is argued that grave prejudice is likely to be caused to the petitioner in case the said prosecution witness is not subjected to cross-examination. He further undertakes to balance the equity and submits that he is ready to bear the costs for the delay that has so occasioned.

Mr. Karanbir Singh, AAG, Punjab has not raised any serious objection to grant an additional opportunity to the petitioner to enable the cross-examination of prosecution witness Gagandeep Singh.

In view of the above, the instant petition is allowed and the order dated 25.10.2021 passed by the Sessions Judge, SBS Nagar, Punjab is set aside to the the extent whereby the cross-examination of PW Gagandeep Singh has been ordered to be treated as nil. The petitioner is granted an additional and effective opportunity to cross-examine the said witness subject to payment of Rs.10,000/- as costs to the District Legal Services Authority, SBS Nagar.

Petition is allowed accordingly.

(VINOD S. BHARDWAJ)
JUDGE

05.04.2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No