

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

**CRR No. 752 of 2022 (O&M)**

**Date of decision: 25.04.2022**

**Harshdeep Singh @ Harsh**

**...Petitioner**

**Versus**

**State of Punjab**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Parminder Pal Singh, Advocate  
for the petitioner.

**ARVIND SINGH SANGWAN, J. (Oral)**

Prayer in this petition is for setting aside the order dated 28.01.2022, passed by the Principal Magistrate, Juvenile Justice Board, S.A.S. Nagar (Annexure P-1), vide which the application filed by the petitioner under Section 311 Cr.P.C. for granting permission to recall PW-2 Harwinder Singh and PW-8 Dr. Gagandeep Kaur was dismissed and with a further prayer to allow the petitioner to cross-examine the said witnesses.

Learned counsel for the petitioner submits that on the date when the examination-in-chief of aforesaid witnesses was recorded, the counsel representing the petitioner was busy in some other Court and, therefore, he could not cross-examine the said witnesses and the cross-examination was treated as 'nil'.

Learned counsel further submits that right to cross-examine a witness is an important right given to an accused as in the absence of the same, the petitioner cannot put up his defence.

Notice of motion.

Mr. Joginder Pal Ratra, DAG, Punjab, who is also appearing through video conferencing, accepts notice on behalf of the respondent-State and has no serious objection to the prayer made.

In order to avoid any further delay in disposal of trial, I find it appropriate to grant one effective opportunity to the petitioner to cross-examine aforesaid two witnesses. The effective opportunity would mean a date when both the witnesses are present in Court for cross-examination.

Ordered accordingly.

The trial Court shall fix a date for summoning both the aforesaid witnesses.

However, this will be subject to payment of costs of Rs. 5,000/-, to be deposited with the District Legal Services Authority, S. A. S. Nagar.

Disposed of.

25.04.2022

*Waseem Ansari*

(ARVIND SINGH SANGWAN)  
JUDGE

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*