

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

201

CRM-M-26227 of 2019 (O&M)

DECIDED ON: 28th March, 2022

Surinderpal Singh

.....PETITIONER

VERSUS

State of Punjab and others

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Arvind Kashyap, Advocate for petitioner.

Mr. Dhruv Dayal, Sr. DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

The petitioner has approached this Court seeking quashing of impugned order dated 24.5.2019 whereby due to non-appearance of counsel for the petitioner, the Court handed over a questionnaire which he refused to answer, as such, the statement of accused was recorded under Section 313 Cr.P.C. for his refusal to answer the question.

Learned counsel for the petitioner submits that the petitioner should not be made to suffer due to conduct of his counsel.

Learned State counsel on instructions from DSP Tejinder Pal Singh is not in a position to raise any reasonable objection for not granting an opportunity to the petitioner for getting his statement recorded under Section 313 Cr.P.C.

The recording of the statement under Section 313 Cr.P.C. is an important stage of the trial, to deny this opportunity to the petitioner due to non presence of his counsel would be a dangerous proposition to be laid down.

The Supreme Court in *Rafiq and another Versus Munshi Lal and another, 1981 AIR (SC)1400*, held that the parties should not be made to suffer due to conduct of the counsel.

The petition is pending since 2019, there was an interim direction.

Considering the facts and circumstances of the case in totality, the impugned order is set aside.

Let statement of the petitioner under Section 313 Cr.P.C. be recorded within fifteen days on receipt of copy of this order.

(AVNEESH JHINGAN)
JUDGE

28th March, 2022
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>