

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38071-2019 (O&M)
Date of decision: 04.07.2022

Satish Kumar Saini

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Shiv Charan Bhola, Advocate (legal aid counsel)
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for setting aside the order dated 02.09.2019 passed by the Additional Chief Judicial Magistrate, Mohali in cross-version Challan No.CHI/84/2017, arising out of FIR No.49 dated 19.05.2015 under Sections 452, 341, 323, 324, 325, 326 IPC, registered at Police Station Phase-XI, Mohali.

Learned counsel for the petitioner submits that the petitioner moved an application before the trial Court for following a proper procedure that statements in version and cross-version be recorded separately, however, vide impugned order dated 02.09.2019, the trial Court, though, as

per judgment of the Hon'ble Supreme Court, in which it is held that the Court has to decide the version and cross-version together, however, it is observed that proceedings i.e. recording of the evidence in the version and cross-version is to be recorded together, which is not correct approach.

Learned counsel has referred to a judgment of this Court dated 28.05.2019 in **CRA-D-152-DB-2018 (Lakhbir Singh and anr. Vs. State of Punjab)**, wherein it is observed that the trial is to be conducted one after the other and after recording of evidence in one case and on hearing the arguments in one case, the judgment is required to be reserved. It is submitted that both cases i.e. version and cross-version are to be decided by passing to separate judgments i.e. after recording separate evidence in both the cases.

Learned State counsel could not dispute the legal proposition.

After hearing learned counsel for the parties, this petition is disposed of and the impugned order dated 02.09.2019 is modified to the extent that though version and cross-version will be tried together by the same Court, however, evidence will be recorded separately and both cases (version and cross-version) will be decided by passing separate judgments, though on the same day.

[ARVIND SINGH SANGWAN]
JUDGE

04.07.2022
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No