

CRR-2248-2022

Date of decision: 28.10.2022

Shubham Singh @ Shubham

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**Present:** Mr. Kuljit Singh Bal, Advocate
for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

NAMIT KUMAR, J.

The instant petition has been filed by the petitioner under Section 482 Cr.P.C. challenging the orders dated 28.09.2022 passed by the Court of learned Additional Sessions Judge, Amritsar, whereby, cross-examination of two witnesses, namely, Harjit Kaur (PW-2) and Sheetal (PW-4) has been ordered to be treated as Nil and further seeks one more opportunity for cross-examination of the said witnesses on the date fixed i.e. 14.11.2022. The impugned orders are reproduced as under:-

“Though two opportunities have already been granted to the accused Shubham for cross-examination of this witness but the counsel has failed to do so. As such, cross-examination of this witness be treated as NIL.

Date of order:- 28.09.2022.”

“Though two opportunities have already been granted to the accused Shubham for cross-examination of this witness but the Counsel has failed to do so. As such, cross-examination of this witness be treated as NIL.

Date of order:-28.09.2022.”

Learned counsel for the petitioner contends that the case was fixed for prosecution evidence since 21.12.2016 and was continuously adjourned for the same purpose till 28.09.2022 and about 100 opportunities were granted. He further submits that the petitioner has been falsely implicated in the present case and has been arrayed as main accused. Harjit Kaur w/o Hardev Singh and Sheetal d/o of Hardev Singh have been arrayed as prosecution witnesses No.2 and 4 by the prosecution. He further submits that on 12.09.2022, no prosecution witness was present and summons were

ordered to be issued to the prosecution witnesses mentioned at serial No.1 to 19 for 23.09.2022 through special messenger and thereafter, on 23.09.2022 PW-2-Harjit Kaur was present and was partly examined in chief and she was bound down for 27.09.2022. PW-4-Sheetal was not present despite service and she was summoned through bailable warrants and it was further ordered that the entire prosecution witnesses be summoned for the date fixed i.e. 27.09.2022. On 27.09.2022, PW-4-Sheetal and PW-2-Harjit Kaur were present and partly cross-examined and their cross-examination was deferred at the instance of petitioner-Shubham and one more opportunity was granted for cross-examination of the said witnesses on 28.09.2022. However, on 28.09.2022, the impugned orders were passed and it was ordered that the cross-examination of the said witnesses be treated as Nil.

I have heard learned counsel for the parties and perused the records.

Examination and cross-examination of the witnesses is an important part of the trial and final result of the case rests on the evidence. Therefore, in this view of the matter, I deem it appropriate to grant one more opportunity to the petitioner to cross-examine PW-4-Sheetal and PW-2-Harjit Kaur for the date already fixed i.e. 14.11.2022; before the trial Court.

Consequently, the present petition is allowed and the impugned orders dated 28.09.2022 are set aside and one more opportunity is granted to the petitioner to cross-examine PW-4-Sheetal and PW-2-Harjit Kaur on 14.11.2022; the date already fixed.

28.10.2022
Neha

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No