

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-55922-2022 (O&M)

Date of decision: 12.12.2022

**Karorh Singh @ Kror Singh**

**...Petitioner**

**Versus**

**State of Punjab**

**...Respondent**

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

Present: Mr. P.S. Bhinder, Advocate  
for the petitioner.

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**ARVIND SINGH SANGWAN, J.**

Prayer in this petition is for setting aside the order dated 06.09.2022 passed by the Additional Sessions Judge, Patiala, in FIR No.80 dated 23.04.2017 under Sections 307, 323, 506, 120-B, 148, 149 IPC and Section 3 of SC&ST Act (added later on), registered at Police Station Patran, District Patiala, vide which, during examination-in-chief of the prosecution witnesses i.e. PW2 to PW5, right of cross-examination was treated as 'Nil'.

Learned counsel for the petitioner submits that on 06.09.2022, when examination-in-chief of PW2 to PW5 was recorded by the Court of Sessions, learned counsel representing the petitioner before the trial Court was not well and only the accused persons appeared before the Court and requested for a date for cross-examination of the witnesses, however, on the

same day, cross-examination of PW2 to PW5 was treated as Nil, without affording an opportunity of hearing. It is further submitted that the case is fixed for the prosecution evidence since 07.01.2020, when statement of PW1 Dr. Amandeep Kaur was recorded and number of dates were taken by the prosecution. It is also submitted that right to cross-examine is an important right given to an accused to put up his defence and prove his innocence and in the absence of the same, the petitioner's right of defence will be adversely prejudiced.

Notice of motion.

On asking of the Court, Mr. Navneet Singh, DAG, Punjab accepts notice on behalf of the respondent-State and has not disputed the factual position.

After hearing learned counsel for the parties, I deem it appropriate to allow the present petition.

Accordingly, the present petition is allowed and the impugned order dated 06.09.2022 is set aside. The petitioner is granted two effective opportunities to cross-examine PW2 to PW5.

This will, however, be subject to the condition that the petitioner will pay Rs.2,000/- to the complainant.

**[ ARVIND SINGH SANGWAN ]**  
**JUDGE**

12.12.2022  
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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable:       | Yes/No |