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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No.2888 of 2022 (O&M)

Date of decision: 21.12.2022

Puneet Sodhi

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. N.S. Mahal, Advocate
for the petitioner.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this revision petition is for setting-aside the order dated 11.10.2022 vide which the trial Court has treated the cross-examination of PW-1 ASI Nishan Singh as 'NIL'.

Counsel for the petitioner has argued that the trial Court has adopted a very harsh view as on the day when PW-1 ASI Nishan Singh was present, a request was made by the accused to defer the cross-examination of PW-1 ASI Nishan Singh as the counsel was busy in trial Court and the trial Court instead of granting some time for taking the case post lunch session, has simply treated the cross-examination of PW-1 ASI Nishan Singh as NIL.

Counsel for the petitioner has further submitted that the right of cross-examination is an important right given to an accused, who is facing trial to prove his innocence by putting a defence to the said witness and in the absence of the same, it will adversely prejudice the right of the petitioner.

Notice of motion.

Mr. Navneet Singh, DAG, Punjab who is present in the Court accepts notice on behalf of the respondent – State and could not dispute the fact that on the very first date, when PW-1 ASI Nishan Singh, was present and his examination-in-chief was recorded, his cross-examination was treated as NIL.

After hearing the counsel for the parties, in order to avoid any further delay, it will be appropriate to set-aside the order dated 11.10.2022 passed by the trial Court. According the present petition is allowed and the order dated 11.10.2022 is set-aside and one effective opportunity is granted to the petitioner to cross-examine PW-1 ASI Nishan Singh.

Disposed of.

The trial Court is directed to grant one effective opportunity to the petitioner to cross-examine PW-1 ASI Nishan Singh.

(ARVIND SINGH SANGWAN)
JUDGE

21.12.2022
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No