

CRM-M-8985-2023

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

CRM-M-8985-2023 (O&M)

Date of order: 27.02.2023

Dharamjit Singh @ Soni

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Sant Pal Singh Sidhu, Advocate
for the petitioner(s).

Mr. IPS Sabharwal, DAG, Punjab.

ANOOP CHITKARA, J. (Oral)

The petitioner-accused is aggrieved by observation made by the trial Court during cross-examination of PW-12 ASI Harbhajan Singh, which took place on 17.12.2022, declining the petitioner opportunity to put certain questions to him. The relevant observation is extracted below:-

“Learned counsel is asking the witness about the minute time taken in preparing each proceeding which is not humanly possible to remember as such all such questions are declined.”

A perusal of the aforesaid order/observation reveals that the trial Court did not give any reason for denial of such suggestion/question being put to PW-12. Above order points out as if it was an order to gag the defence counsel, which is impermissible. Given above, the petitioner-accused is permitted to file an application for recalling the said witness again for examination, mentioning the questions he proposes to put to him. Petitioner’s counsel submits that he shall not claim any prejudice by pre-disclosing the questions he intends to put.

Given above, the present petition is allowed to the extent that on petitioner’s filing an application, the Court shall give an opportunity to the petitioner to

CRM-M-8985-2023

re-examine PW-12 in the light of questions so mentioned in the application. Trial be also expedited.

(ANOOP CHITKARA)
JUDGE

February 27, 2023
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No