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

CRM-M-14831-2023

Date of decision: 23.03.2023

Jaspal Singh (@ Jassi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Gaurav Datta, Advocate
for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

NAMIT KUMAR, J. (ORAL)

This is a petition under Section 482 Cr.PC seeking quashing of impugned orders dated 20.02.2023 (Annexure P-2 and P-3) passed by Ld. Additional Sessions Judge, SAS Nagar, Mohali vide which the cross-examination of the petitioner has been treated as nil in Session Case No.232 of 2021 in FIR No.71 dated 22.05.2021 under Sections 302/307/447/506/511/34 of IPC, 1860 and Section 27 of the Arms Act, 1959 and Sections 181/192 of M.V. Act, Police Station Mullanpur, Garibdas, District SAS Nagar, Mohali.

Notice of motion.

Mr. Adhiraj Singh, AAG, Punjab, accepts notice on behalf of the respondent-State.

Learned counsel for the petitioner contends that the petitioner has not been afforded opportunity to cross-examine PW1-Kamaljeet Kaur and the cross-examination has been ordered to be treated as nil. He further contends that since right to cross-examination of the witnesses is a valuable right available to the accused-petitioner, therefore, one opportunity may be granted to the petitioner to cross-examine PW1. He further contends that apart from the petitioner

there are two other accused and they should be also be given opportunity to cross-examine.

I have heard learned counsel for the petitioner and perused the record.

The Hon'ble Apex Court in case **Jayendra Vishnu Thakur Vs. State of Maharashtra and another, 2009(7) SCC 104** has held that right of the accused of cross-examination is a valuable right. Its deprivation is an exception which should be for a just cause. The approach should be judicious with full and prior application of mind. Fair investigation and fair trial is valuable right of the accused and cannot be curtailed and cross-examination is also part of fair trial.

Accordingly without commenting upon the merits of the claim of the petitioner and in view of the averments made by the learned counsel for the petitioner, one opportunity is granted to the petitioner along with other two co-accused to cross-examine PW1.

The present petition stands disposed of.

23.03.2023
Parveen kumar

(NAMIT KUMAR)
JUDGE

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