

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

**CRM-M-24108-2023
DECIDED ON: 12.05.2023**

DAINEAR @ DANIAL AND ANOTHER

.....PETITIONERS

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Malkit Kaur, Advocate for
Mr. Vaibhav Sehgal, Advocate
for the petitioners.

SANDEEP MOUDGIL, J (ORAL)

Prayer in this present petition under Section 482 of Cr.P.C., is for quashing of the impugned order dated 20.02.2023 (Annexure P-10) passed by the Court of Judicial Magistrate 1st Class, Ludhiana, whereby the right to cross examine by the petitioners of the prosecution witnesses namely PW Gurjit Singh and PW Satinder Kumar has been struck off on account of the fact that last opportunity was granted, but still the cross examination was not conducted on behalf of the accused and thereafter, the opportunity was treated to be nil at 4.00 P.M.

Since the defence evidence has not yet commenced, as is evident from the record available before this Court even otherwise, no prejudice would be caused to the defence or the prosecution in case another opportunity is granted to the accused for cross examination of witnesses namely PW Gurjit Singh and Satinder Kumar, which would rather facilitate the furtherance of primary object of criminal jurisprudence to test the veracity of prosecution

case, wherein the guilt of the accused is to be proved beyond reasonable doubt and hence, this Court is of the considered view that all probable efforts be made to provide a chance in defence whatsoever, so that as a matter of rule, justice must not only be done, but also seem to be done.

In the light of the same, petition is allowed and the trial Court is directed to provide two opportunities apart from next date fixed before it, on which date no proceedings shall take place.

However, the said direction is subject to payment of Rs.5,000/- as cost, as the trial proceedings no doubt have been delayed for no fault of other parties, except the present petitioners and the precious time of the Court has been lost. The cost shall be paid to the complainant before the trial Court on the next date of hearing so fixed.

Petition stands disposed of.

(SANDEEP MOUDGIL)
JUDGE

12.05.2023

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>