



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

CRM-M No.45187 of 2024
Date of decision: 11th September, 2024

Rajvinder Pal Singh Bhullar

... Petitioner

Versus

State of Punjab & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Balram Prashar, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is praying for setting aside the examination in chief of PW-6 recorded on 11.06.2024 (Annexure P-10) before learned Additional Chief Judicial Magistrate, Ludhiana in FIR No.87 dated 04.10.2016 under Sections 279, 337, 338 of the IPC registered at Sarabha Nagar, Police Commissionerate, Ludhiana.

2. Learned counsel submits that PW-6, being deaf and dumb was unable to talk, an application was therefore, moved for conducting cross-examination of the said witness through an expert interpreter, which was allowed by learned ACJM, Ludhiana vide order dated 19.02.2024. Learned counsel further submits that due to the circumstances beyond his control, the counsel representing the petitioner before the trial Court could not appear and the proxy counsel appearing for him sought an adjournment before the trial Court, which request was declined by the trial Court and his cross-examination was treated as



NIL. Learned counsel has asserted that PW-6 was examined on 11.06.2024 and it was on the next date i.e. 05.07.2024, petitioner's opportunity to cross-examine was treated as Nil without even giving him any opportunity to cross-examine the witness. Learned counsel has submitted that grave prejudice would be caused to the petitioner in case he is not allowed to cross-examine PW-6 and one effective opportunity may kindly be granted to him.

3. I have heard learned counsel and perused the relevant material on record.

4. On the day the case was fixed for cross-examination, learned counsel for the petitioner was called several times by the trial Court to cross-examine PW-6, however, he failed to do so.

5. Be that as it may, if the petitioner is not granted one more opportunity to cross-examine PW-6, he would suffer irreparable loss which in turn would result in miscarriage of justice. Therefore, for just and proper adjudication of the case, this Court deems it appropriate to grant one last effective opportunity to the petitioner to cross-examine PW-6.

6. In the wake of the above, without issuing notice to the respondents, to avoid any further delay as well as expenses which the respondents shall have to incur to defend these proceedings, the instant petition is allowed in the following terms:-



- (1) The petitioner is granted one effective opportunity to cross-examine PW-6.
- (2) In the event of default by the petitioner, the case shall not be adjourned any further for cross-examining PW-6 and consequently opportunity to cross-examine this witness would be treated as nil.
- (3) This, however, shall be subject to payment of costs in the sum of Rs.10,000/- to be paid to the witness PW-6 which shall be a condition precedent.

(MANJARI NEHRU KAUL)
JUDGE

September 11, 2024
rps

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