



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

110

CRR-1980-2024

Date of decision: 14.10.2024

Sukhchain Singh and others

.....Petitioners

Versus

State of Punjab

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gurmeet Singh Saini, Advocate for the petitioners.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are impugning the order dated 09.08.2024 passed by the learned Judge, Special Court, Patiala whereby their application filed under Section 311 of the Cr.P.C. for recalling of witnesses i.e. PW-6 Karnail Singh, PW-7 ASI Balwinder Kumar and PW-8 Laddi Ram, for their cross examination, in case FIR No.38 dated 14.03.2017 under Sections 307, 382, 392, 34 of the IPC and Section 25 of the Arms Act, 1959 registered at Police Station Patran, District Patiala, was dismissed.

2. Learned counsel for the petitioners submits that a compassionate view be taken and one last effective opportunity may be granted to the petitioners to cross-examine PW-6 Karnail Singh, PW-7 ASI Balwinder Kumar and PW-8 Laddi Ram.

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

4. If the petitioners are not granted one effective opportunity to cross-examine PW-6 Karnail Singh, PW-7 ASI Balwinder Kumar

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and PW-8 Laddi Ram, they 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 petitioners to cross-examine PW-6 Karnail Singh, PW-7 ASI Balwinder Kumar and PW-8 Laddi Ram.

5. In the wake of the above, without issuing notice to the respondent, to avoid any further delay, the impugned order dated 09.08.2024, is set aside. The instant petition is allowed in the following terms:-

- (i). The petitioners are granted one last effective opportunity to cross-examine PW-6 Karnail Singh, PW-7 ASI Balwinder Kumar and PW-8 Laddi Ram.
- (ii). In the event of default by the petitioners, the case shall not be adjourned any further for cross-examining PW-6 Karnail Singh, PW-7 ASI Balwinder Kumar and PW-8 Laddi Ram and consequently opportunity to cross-examine these witnesses be deemed to be as nil.
- (iii). This, however, shall be subject to payment of costs in the sum of Rs.20,000/- to be paid to the complainant which shall be a condition precedent.

14.10.2024

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

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