



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

CRM-9390-2025 in/and CRM-M-3404-2025
Date of Decision:02.04.2025

Gourav Bhagat @ Gourav

.....Petitioner

Versus

Sate of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Mohd. Yousaf, Advocate for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

Mr. Akshay Chadha, Advocate for complainant.

JASGURPREET SINGH PURI J.(Oral)

CRM-9390-2025

1. The present application has been filed for staying the proceedings before learned Trial Court during the pendency of the present petition, or alternatively, to prepone the main case to an earlier date of hearing, as the same is currently fixed for 07.05.2025 and the case before the trial Court is fixed for 07.04.2025 for defence evidence and arguments.
2. Learned counsel for the applicant submitted that even as per the notice of motion order, his only prayer is with regard to PW-8/Doctor, who was never cross-examined, and his cross-examination was considered as 'nil'



and to that extent, he seeks permission to cross-examine the doctor. He further submitted that the main case may be preponed for today so that the matter may be considered in accordance with law.

3. Notice in the application was issued to learned counsel for the non-applicant on 17.03.2025. Mr. Jasjit Singh, DAG, Punjab, and Mr. Akshay Chadha, learned counsel for the complainant, have stated that they have no objection if the main case is preponed to an early date or for today because the case before learned Trial Court is fixed for 07.04.2025 for defence evidence and arguments.

4. In view of the aforesaid facts and circumstances, the present application is allowed. The date fixed in the main case is directed to be preponed from 07.05.2025 and the same is taken up on board today.

5. Application stands disposed of.

Main case

6. The present petition has been filed under Section 482 Cr.P.C. for quashing the order dated 29.11.2024 (Annexure P-9) passed by learned ASJ (Fast Track Special Court), Ludhiana, vide which an application filed by the petitioner-accused under Section 311 of Cr.P.C. for recalling the witnesses for further cross-examination was dismissed. At the time when notice of motion was issued by this Court on 24.01.2025, the following order was passed :-

Learned counsel for the petitioner submitted that he wishes to limit his prayer only to the extent of recalling PW-8/Doctor only.

Notice of motion.

2025:PHHC:045380



Ms. Seena Sandhu, Addl. A.G., Punjab, accepts notice on behalf of the respondent-State.

At this stage, Mr. Akshay Chadha, Advocate has appeared on behalf of the complainant and has filed his power of attorney in Court today and the same is taken on record.

Let respective replies be filed before the next date of hearing with copy in advance to learned counsel for the petitioner.

Adjourned to 11.02.2025.

7. Learned counsel appearing on behalf of the petitioner submitted that although an opportunity was granted for the cross-examination of PW-8, i.e., the doctor, the same could not be conducted, and his cross-examination was declared to be 'Nil.' He submitted that the accused has a right to cross-examine the prosecution witness, who is a material witness, i.e., the doctor, and that his examination and cross-examination go to the root of the matter. He further stated that no prejudice would be caused if one opportunity is granted to the petitioner for the cross-examination of the doctor, and the grant of such an opportunity would not delay the trial and therefore the same may be granted to him.

8. Learned State counsel as well as learned counsel for the complainant, have stated that since the learned counsel for the petitioner has limited the prayer only to the extent of seeking one opportunity for cross examination of the doctor only and not the other witnesses, they have no objection in case one opportunity is granted.

2025:PHHC:045380



9. In view of the aforesaid facts and circumstances, the present petition is allowed. The impugned order dated 29.11.2024, only to the extent of declining the relief of recalling PW-8/Doctor, is hereby set aside. Learned Trial Court is directed to grant one opportunity to the petitioner-accused to cross-examine PW-8/Doctor on the next date of hearing, or, in case the doctor is not available for cross-examination, on any other suitable date, and thereafter proceed further in the matter in accordance with law.

10. Present petition is allowed in the aforesaid terms.

(JASGURPREET SINGH PURI)
JUDGE

02.04.2025

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