



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-8226 of 2026

Reserved On: 12.02.2026
Pronounced On: 06.03.2026

Ravinder Kaur alias Rano Bhabi

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Yashpal Thakur, Advocate
for the petitioner(s).

Mr. Eklavya Darshi, Deputy Advocate General, Punjab.

Surya Partap Singh, J.

1. Vide present petition, the extraordinary jurisdiction vested in this Court, by virtue of Section 528 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023', has been invoked. The challenge in the present petition is to the order dated 06.02.2026 whereby the learned trial Court accorded permission to the learned Public Prosecutor to re-examine the prosecution witness.

2. Briefly stating the facts emerging from the record are that the petitioner is facing a trial, as an accused, for the commission of offence punishable under Section(s) 22-C and 29 of 'the Narcotic Drugs and Psychotropic Substances Act, 1985', hereinafter being referred to as "the NDPS Act". In the above-mentioned case, the statement of prosecution witness, namely 'DSP Kulveer Singh Tiwana' was recorded as PW.10. At

examination was complete, the learned Public Prosecutor requested for his re-examination. The above-mentioned request has been allowed by the learned trial Court. The petitioner is aggrieved of the above-mentioned permission, i.e. permission to re-examine the PW.10 accorded by the learned trial Court. Hence, the present petition.

3. Heard.

4. It has been contended by learned counsel for the petitioner that the petitioner is a simpleton law abiding lady, and that by concocting a false and frivolous story the petitioner has been prosecuted for the commission of offence punishable under Section(s) 22-C and 29 of 'the NDPS Act'. According to learned counsel for the petitioner, false allegations have been levelled against the petitioner that she was arrested on 19.01.2024 in the area of Heera Nagar, Ambala, and that when she was in custody she suffered a disclosure statement pursuant to which from her room 400 injections of 'Buprenorphone' and 400 bottles of 'Avil' were recovered.

5. The learned counsel for the petitioner has contended that the entire story has been falsely created by the Investigating Agency and the falsity of the allegations of the petitioner is reflected from the fact that the recovery was effected by Bathinda police at Ambala, but no police official of the concerned police station was joined as a witness at the time of recovery. With regard to above, the learned counsel for the petitioner has contended that although a 'Daily Diary Report' was recorded in the police station at Ambala and as per 'Daily Diary Report' ASI Mange Ram was joined in the raiding party, but the arrest memo, search memo, dissent memo and consent memo prepared at Ambala do not bear the signatures of ASI

Mange Ram. With regard to above, the learned counsel for the petitioner has contended that the above-mentioned lapse on the part of Investigating Officer makes it abundantly clear that only the paper work, by recording a 'Daily Diary Report' in the police station, was completed, and in fact any official of Ambala police was not joined at the time of alleged recovery.

6. In addition to above, it has also been contended by learned counsel for the petitioner that on 06.02.2026 the statement of PW.10 'DSP Kulveer Singh Tiwana' was recorded, and that after his examination-in-chief when the PW.10 was cross-examined he testified certain facts which were contrary and in contradiction to the prosecution story. As per learned counsel for the petitioner, the above-mentioned part of cross-examination of PW.10 was going to shatter the creditability of the prosecution case, and would have supported the claim of innocence of the petitioner, but in order to undo the above-mentioned advantage, and to cover-up the truth, the learned Public Prosecutor requested the learned trial Court for re-examination of PW.10, on the ground that some new facts have surfaced during the course of cross-examination. According to learned counsel for the petitioner the above-mentioned request had been accepted by the learned trial Court and by re-examining the PW.10 the learned Public Prosecutor has filled up the lacuna.

7. While contending that no new fact had surfaced in the cross-examination of PW.10, and that without declaring the PW.10 to be a hostile witness the permission for re-examination of the witness has been accorded by the learned trial Court, it has been argued by learned counsel for the petitioner that the above-mentioned order is contrary to the settled principles

of law. In view of above arguments the request for quashing of the impugned order passed by the learned trial Court, whereby the learned trial Court accorded permission for re-examination of the witness, has been sought.

8. The learned State counsel has controverted the above-mentioned arguments. According to the learned State counsel the re-examination of prosecution witness is the right of the Public Prosecutor, and that in the exercise of above-mentioned right if a fact has been got clarified, it does not amount to breach of any right of the petitioner. While claiming that the right approach has been adopted by the learned trial Court while affording an opportunity to the learned Public Prosecutor to re-examine the witness, it has been contended by the learned State counsel that there is no illegality in the impugned order, and that the present petition for want of merit deserves dismissal.

9. The record has been perused carefully.

10. At the very outset, it is pertinent to mention here that in the present case there is no dispute between the parties with regard to factual matrix of the case. It is an admitted fact that the prosecution witness, i.e. 'DSP Kulveer Singh Tiwana' was examined by the learned trial Court on 06.02.2026 as PW.10. The copy of statement of PW.10 recorded on 06.02.2026 has been placed on record and a perusal of the above-mentioned statement shows that firstly the examination-in-chief of the PW.10 had taken place and thereafter his cross-examination by the two different defence counsel. The record further shows that after cross-examination of PW.10, by both the learned defence counsel, he was re-examined by the learned Public Prosecutor, and thereafter the opportunity for further cross-examination of

the PW.10 was availed by the learned defence counsel.

11. With regard to the above-mentioned procedure adopted by the learned trial Court Section(s) 142 and 143 of 'the Bharatiya Sakshya Adhiniyam, 2023', hereinafter being referred to as "the BSA" are relevant. The same are reproduced as under:-

"Section 142 - Examination of witnesses.

- (1) The examination of a witness by the party who calls him shall be called his examination-in-chief.
- (2) The examination of a witness by the adverse party shall be called his cross-examination.
- (3) The examination of a witness, subsequent to the cross-examination, by the party who called him, shall be called his re-examination.

Section 143 - Order of examinations.

- (1) Witnesses shall be first examined-in-chief, then (if the adverse party so desires) cross-examined, then (if the party calling him so desires) re-examined.
- (2) The examination-in-chief and cross-examination must relate to relevant facts, but the cross-examination need not be confined to the facts to which the witness testified on his examination-in-chief.
- (3) The re-examination shall be directed to the explanation of matters referred to in cross-examination; and, if new matter is, by permission of the Court, introduced in re-examination, the adverse party may further cross-examine upon that matter."

12. A bare perusal of Section(s) 143(1) of 'the BSA' shows that the party who examines a witness, if it desires, has a right of re-examination the same witness, after his/her cross-examination. The language used in

Section 143 of 'the BSA' makes it abundantly clear that it is only the

desire of the party examining the witness to go for re-examination and there is no pre-condition imposed by the legislature to the above-mentioned right. Thus, in the case in hand simply because a right provided by the Statute has been exercised by the learned trial Court, it does not amount to violation of any right of the petitioner/accused. In addition to above simply because permission to re-examine the witness has been afforded by the learned trial Court it does not mean that a wrong procedure has been adopted by the learned trial Court.

13. In view of above-mentioned observations, it is hereby held that no illegality, whatsoever, has been committed by the learned trial Court, by giving an opportunity to the prosecution to re-examine the witness, i.e. PW.10. Rather the above-mentioned request was well within the ambit of right available to the prosecution. Hence, it is hereby held that the learned trial Court has not committed any error and that there is no scope for interference in the impugned order.

14. As a sequel to the above-mentioned observations, it is hereby held that the present petition is devoid of merit and deserves dismissal. The same is hereby **dismissed**, accordingly.

(Surya Partap Singh)
Judge

March 06, 2026
“DK”

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