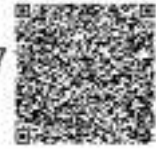


2026.PHHC.015057



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

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CRM-M-56945-2023 (O&M)

Date of decision: 02.02.2026

Jagroop Singh and others**...Petitioners****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. B. S. Jaswal, Advocate
for the petitioners.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition is for quashing the order dated 20.10.2023 (Annexure P-13), passed by the Court of learned Additional Sessions Judge, Amritsar in case arising out of FIR No. 103 dated 03.05.2022, registered under Sections 302, 307, 148 and 149 of IPC (Sections 323, 324, 326 and 450 of IPC added later on) at Police Station Jandiala, District Amritsar, whereby the cross-examination of PW-1 to PW-3 has been ordered to be treated as *nil*.

2. Learned counsel for the petitioners has submitted that they are facing trial in the aforesaid FIR and have been regularly appearing before the learned trial Court. The cross-examination of PW-1 to PW-3, namely Kashmir Kaur, Lakhwinder Singh and Joginder Singh, was conducted by the defence counsel of accused Sudesh. The petitioners had engaged counsel to defend their case on the same day and had presented the power of attorney to the learned trial Court but it had refused to accept the same and treated the cross-examination of the said witnesses 'nil' on behalf of the petitioners. Learned counsel for the petitioners has further argued that it is settled law that the right

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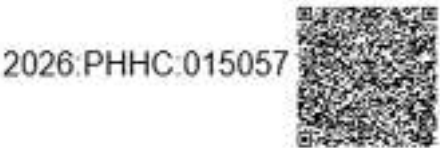


to cross-examination is an important right given to an accused and the trial Court should not have been hyper-technical in passing the impugned order. A great prejudice shall be caused to the rights of defence of the petitioners, if the aforesaid PWs are not allowed to be cross-examined. Hence, it is prayed that the petitioners may be granted effective opportunity to cross-examine the aforesaid witnesses.

3. On the other hand, learned State counsel has argued that there is no illegality or infirmity in the impugned order and has prayed for dismissal of the petition.

4. This Court has heard the rival submissions.

5. It is not in dispute that PW-1 to PW-3 were material witnesses and that the petitioners had engaged counsel on the date their evidence was recorded. The refusal of the learned trial Court to accept the power of attorney presented on the same day and the consequent order treating the cross-examination of the said witnesses as 'nil' on behalf of the petitioners, has resulted in denial of a substantive and valuable right of defence. The learned trial Court had taken a ground that it was a time bound case as per the directions of this Court. The impugned order reflects a hyper-technical approach, particularly when no deliberate default or dilatory conduct is attributable to the petitioners. In a trial involving serious offences, denial of opportunity to cross-examine prosecution witnesses is bound to cause serious prejudice to the accused and may adversely affect the fairness of the trial. Accordingly, the petition is allowed. The order dated 20.10.2023 is set aside to the extent it treats the cross-examination of PW-1 to PW-3 as 'nil' qua the petitioners. The learned trial Court is directed to afford two effective



opportunities to the petitioners to cross-examine the said witnesses, subject to their cooperation and without granting unnecessary adjournments.

02.02.2026
Waseem Ansari

(MANISHA BATRA)
JUDGE

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