



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

135

CRM-M-1226-2025
Date of decision: 15.01.2025

Kuldeep Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rishav Jain, Advocate,
Ms. Shivaly Singla, Advocate and
Ms. Vasuda Sharma, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is impugning the order dated 10.12.2024 (Annexure P-7) passed by the learned Special Judge, Ludhiana whereby his application under Section 311 of the Cr.P.C. for recalling of witness i.e. PW-11 Mohinder Pal Singh, for his cross examination, in case FIR No.4 dated 03.07.2017 under Sections 7, 13(3) of the PC Act registered at Police Station VB, Ludhiana, was dismissed. The petitioner is also impugning the order dated 10.09.2024 (Annexure P-4) whereby his application for waiving off costs of Rs.25,000/-, was dismissed. The petitioner is also seeking modification of order dated 28.08.2024 (Annexure P-2) vide which his application under Section 311 of the Cr.P.C. was allowed subject to payment of Rs.25,000/- as costs to be paid to the District Legal Services Authority.

2. Learned counsel for the petitioner submits that a compassionate view be taken and one last effective opportunity may be granted to the petitioner to cross-examine PW-11 Mohinder Pal Singh.



CRM-M-1226-2025

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

4. If the petitioner is not granted one effective opportunity to cross-examine PW-11 Mohinder Pal Singh, 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-11 Mohinder Pal Singh.

5. In the wake of the above, without issuing notice to the respondents, to avoid any further delay, the impugned order dated 10.12.2024, is set aside. The instant petition is allowed in the following terms:-

- (i). The petitioner is granted one last effective opportunity to cross-examine PW-11 Mohinder Pal Singh on the next date of hearing fixed before the learned Trial Court.
- (ii). In the event of default by the petitioner, the case shall not be adjourned any further for cross-examining PW-11 Mohinder Pal Singh and consequently opportunity to cross-examine this witness be deemed to be as nil.
- (iii). This, however, shall be subject to payment of costs in the sum of Rs.25,000/- to be deposited with the District Legal Services Authority concerned, which shall be a condition precedent.

15.01.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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