



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

**CRM-M No.16261 of 2026
Date of decision: 21.04.2026**

Maninder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present :- Mr. Jasraj Singh, Advocate
for the petitioner.

Mr. Sahil Chowdhary, AAG, Punjab.

MANDEEP PANNU, J. (Oral)

1. This is a petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (formerly Section 482 Cr.P.C.) for setting aside of order dated 02.03.2026 passed by the Court of learned Judicial Magistrate 1st Class, Dasuya, in case titled as “*State of Punjab versus Maninder Singh etc.*” (CHI/366/2021), arising out of FIR No.80 dated 07.09.2020, registered under Sections 323, 324, 452, 148 and 149 of the Indian Penal Code, 1860 at Police Station Garhdiwal, District Hoshiarpur, whereby learned trial Court has ordered the cross-examination of three prosecution witnesses, namely PW-1 Sarabjit Kaur, PW-2 Puran Chand and PW-11 Baldev Singh, to be treated as ‘Nil’.

2. It is contended by learned counsel for the petitioner that the impugned order passed by learned trial Court is wholly arbitrary, illegal and against the settled principles of criminal jurisprudence. It is argued that the



right of an accused to effectively cross-examine the prosecution witnesses is a valuable and substantive right, forming an integral part of a fair trial as guaranteed under law. It is further contended that learned trial Court has acted in undue haste in closing the opportunity of cross-examination of material witnesses, namely PW-1 Sarabjit Kaur, PW-2 Puran Chand and PW-11 Baldev Singh, without properly appreciating the facts and circumstances of the case. It is submitted that the impugned order defeats the very purpose of trial, as cross-examination is essential to test the veracity and credibility of the witnesses and to bring out the truth. It is further argued that no deliberate or intentional delay has been caused on the part of the petitioner and the defence never intended to evade the process of cross-examination. Rather, the defence seeks to exercise its legitimate right to confront the witnesses, and denial of such right causes serious prejudice to the case of the petitioner. It is thus prayed that the impugned order be set aside and an opportunity be granted to the petitioner to cross-examine the said witnesses.

3. On the other hand, learned State counsel has opposed the present petition on the ground that sufficient and repeated opportunities were granted to the petitioner to cross-examine the prosecution witnesses, however, despite availing such opportunities, the petitioner failed to cross-examine them. It is submitted that the witnesses were present on multiple dates, yet no cross-examination was conducted, and therefore, the learned trial Court was justified in closing the opportunity and treating the cross-examination as 'Nil'. It is further contended that there is no illegality or infirmity in the impugned order and the same has been rightly passed in order to ensure expeditious disposal of the case.



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4. Heard learned counsel for the parties and perused the record of the case.

5. This Court is of the considered view that the right of cross-examination of prosecution witnesses is a fundamental facet of a fair trial and cannot be lightly taken away. No doubt, the record reflects that several opportunities were granted to the petitioner to cross-examine the witnesses and despite that, the petitioner failed to avail the same. However, the consequence of completely shutting out the right of cross-examination, particularly with respect to material witnesses, would result in serious prejudice to the defence and may adversely affect the just adjudication of the case. The object of a criminal trial is to discover the truth and to ensure that justice is done, and for that purpose, effective cross-examination plays a pivotal role.

6. At the same time, this Court cannot lose sight of the fact that the petitioner has been negligent in not utilizing the opportunities already granted. Therefore, in order to balance the equities and to ensure that the process of law is not abused, it is deemed appropriate to grant a final opportunity to the petitioner, subject to imposition of costs.

7. Accordingly, the present petition is allowed. The impugned order dated 02.03.2026 is set aside to the limited extent that the petitioner shall be granted three effective opportunities within a span of one week by learned trial Court to cross-examine PW-1 Sarabjit Kaur, PW-2 Puran Chand and PW-11 Baldev Singh, subject to payment of costs of ₹10,000/- to be deposited with the Punjab State Legal Services Authority. It is made clear that in case the petitioner fails to avail the said opportunities, no



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further indulgence shall be granted and the order of treating the cross-examination as 'Nil' shall stand revived.

8. Pending applications, if any, also stand disposed of.

(MANDEEP PANNU)
JUDGE

21.04.2026

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No