

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

**CRM No.M- 26106 of 2015
Date of decision : 07.08.2015**

Santokh Singh

..... Petitioner

versus

Daljit Singh and others

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Hitesh Kaplish, Advocate
for the petitioner.

ANITA CHAUDHRY, J.

The petitioner seeks quashing of the order dated 08.06.2015 vide which the pre-charge evidence of the petitioner had been closed.

Counsel for the petitioner at the very outset admits that number of opportunities had been granted to the complainant but he states that one more opportunity may be granted and the complainant shall produce his entire evidence on that day. He states that case is now fixed for 14.08.2015.

A perusal of the record reveals that a number of adjournments had been granted. It appears that the complainant had been appearing but did not produce his other witnesses. It was only on 07.01.2015 that Harbans Singh had appeared and his examination-in-chief had been recorded. His

cross-examination was deferred on the request of the accused. On the adjourned hearing, it appears that Harbans Singh did not appear and the matter had to be again adjourned. The zimini order dated 23.01.2015 does not clearly reflect the position. I find that successive dates were given subsequently and last opportunity was granted but the Court accomodated the complainant and again adjourned the matter to 01.05.2015 and then to 08.06.2015. Last opportunity had been granted and the complainant failed to avail the opportunity.

It was the defence counsel who took adjournment for cross examination on 07.01.2015. The petition is allowed and the petitioner is granted one opportunity to lead his evidence but at his own responsibility on payment of Rs.10,000/- as cost to be deposited with the District Legal Services Authority at Phagwara . It would be the responsibility of the complainant to produce his witnesses. They will not seek the assistance of the Court. The case is stated to be fixed for 14.08.2015. The Magistrate would adjourn the case to 24.08.2015 on which date, the complainant shall produce his witnesses. No prayer for exemption shall be moved on behalf of the respondent. The Court would record the evidence and will not give any further adjournment to either party.

The petition is disposed of.

(ANITA CHAUDHRY)
JUDGE

07.08.2015

'Sunil'