

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

CRM-M-29369-2014 (O&M)
Date of decision : 11.02.2015

Ram Karan Garg

...Petitioner

Versus

Raj Rani

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Abhinav Gupta, Advocate,
for the petitioner.

Mr. J.S. Virk, Advocate,
for the respondent.

JITENDRA CHAUHAN, J. (Oral)

The petitioner-accused is aggrieved against order dated 04.08.2014 (Annexure P-4), passed by the learned Sessions Judge, Jind, partly allowing his revision petition preferred against order dated 01.05.2014 (Annexure P-2), passed by the learned Sub Divisional Judicial Magistrate, Safidon.

The petitioner moved an application before the learned trial Court for summoning 26 witnesses in defence. The learned trial Court, vide detailed order dated 01.05.2014 (Annexure P-2), dismissed the said application. The petitioner went in revision before the learned Sessions Judge, Jind. The revision petition of the petitioner was partly

allowed and the witnesses mentioned at Serial No.6 and 11 were ordered to be summoned for examination in defence by the accused.

It is contended on behalf of the petitioner that the witnesses mentioned at Serial Nos.3, 7 and 24, are extremely important for the just decision of the present case. The witness mentioned at Serial No.3 is the handwriting expert of the FSL to prove the age of the ink and to establish the fact as to when the cheques were signed. The witness mentioned at serial No.7, Ravinder, is the security guard who was deployed at the factory premises and was receiving notices on behalf of the directors, whereas, witness mentioned at serial No.24 would prove the recorded conversation.

On the other hand, the learned counsel for the respondent has vehemently opposed the present petition. He states that the application moved by the petitioner is nothing but a tactic to delay the proceedings.

Heard.

A perusal of the case file reveals that apart from the witnesses already ordered to be summoned in defence, the witnesses mentioned at serial Nos.3, 7 and 24, are also material to the just decision of the present case. The accused has every right to lead his defence in order to prove his innocence.

In view of the above, without commenting on the merits of the case, this petition is disposed of with a direction that three effective

opportunities shall be granted by the trial Court for examination of three defence witnesses at serial Nos.3, 7 and 24, subject to deposit of Rs.25,000/- as cost, by the petitioner with the Chairman, District Legal Services Authority, Jind.

Disposed of.

11.02.2015
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(JITENDRA CHAUHAN)
JUDGE