

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

CRM-M No. 4145 of 2015

Date of decision: - 16.10.2015

Rajan Mittal and another

...Petitioners

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Aayush Gupta, Advocate,
for the petitioners.

Mr. Varun Sharma, A.A.G., Punjab
for the State.

SHEKHER DHAWAN, J.

Present petition under Section 482 Cr.P.C. for quashing of order dated 28.10.2014 (Annexure P-4) in case FIR No.55 dated 19.12.2011 under Sections 406 and 498-A IPC, registered at Police Station Women Cell, Patiala whereby an application filed by the petitioners was dismissed by learned magistrate, Patiala.

2. Learned counsel for the petitioners submits that charge was framed in this case on 04.05.2013 and thereafter case was posted for PWs on 22.05.2013, 19.07.2013, 05.08.2013, 26.08.2013, 25.09.2013, 28.10.2013, 26.11.2013, 17.01.2014, 11.02.2014, 28.02.2014 and 14.03.2014 and all these dates there was no prosecution witness present in the Court and case was adjourned without any effective proceedings.

However, on adjourned date i.e. 10.04.2014, two prosecution witnesses were present and their examination-in-chief was recorded and thereafter cross-examination was treated to be 'Nil', as defence counsel was not present.

3. Learned counsel for the petitioners submits that these two witnesses are material witnesses and there was no intention of accused or defence counsel to unnecessarily seek adjournment because in fact accused was a victim of prolonged litigation. So, they be allowed to cross-examine these two witnesses.

4. Learned State counsel, on instructions from ASI Gurdev Singh, submits that the case is still at prosecution witnesses stage.

5. In view of above, present petition is accepted and direction given to the trial Court to allow to cross-examine these two prosecution witnesses by learned defence counsel, who were examined on 10.04.2014. However, it is made clear that only one effective opportunity shall be given for the purpose and for that purpose prosecution witnesses shall be summoned again.

6. In view of above directions, the present petition stands disposed of.

October 16, 2015

naresh.k

(SHEKHER DHAWAN)

Judge