

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

CRL. MISC. No.M-18156 OF 2015
DATE OF DECISION : 11th AUGUST, 2016

Rajbir Singh

.... Petitioner

Versus

M/s. Mehta Construction Company, Karnal & another

.... Respondents

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

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Present : Mr. Akshay Kumar Jindal, Advocate for the petitioner.

Mr. Sumit Gupta, Advocate for the respondents.

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A. B. CHAUDHARI, J. (ORAL)

Heard learned counsel for the rival parties and perused the impugned order.

The case is taken up for hearing with the consent of counsel for the rival parties.

In a pending trial No.NACT/000688/2013 the petitioner accused examined some witnesses as defense witnesses. Statement of the accused under Section 313 Cr.P.C. has also been recorded on 20.07.2014. The petitioner accused filed application (Annexure P-4) for calling a witness i.e. Dealing Clerk, HDFC Bank Ltd.

At the outset, there is substance in the contention raised by learned counsel for the complainant that the application is sans any reason. However, after hearing learned counsel for the rival parties I find that no purpose will be served in sending the matter back for decision on the same issue since I am convinced that the petitioner is entitled to

examine the witness for the purpose that Yashpal Kalra was the employee of the complainant.

The learned counsel for the complainant vehemently opposed the prayer on the ground that there is no relevance of the said witness since a witness from HDFC has already been examined. Be that as it may, in my opinion allowing the petitioner to examine one more witness would not prejudice the case of either of the parties and in order to avoid multiplicity of litigation namely further possible remand order from the appellate court, petitioner should be allowed an opportunity. The name of dealing Clerk as a witness shall be given in the trial Court. There is also substance in the contention raised by the complainant that the petitioner has examined total 9 witnesses. At such a late stage, after recording of statement under Section 313 Cr.P.C., the application in question was made. I find that in the interest of justice and to avoid multiplicity of the litigation the petitioner should be given the last chance to examine the last witness as prayed for in application Annexure P-4. Counsel for the petitioner also submits that the Dealing Clerk would be last witness and he will not examine any witness thereafter.

In view of the above, application Annexure P-4 is allowed. The petitioner is allowed to examine Dealing Clerk, by giving name of the witness in the trial Court. The same shall be done within a period of one month from today.

11th AUGUST, 2016
'raj'

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No.</i>