

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

Crl. Misc. No. M-42463 of 2016

Date of decision:- 28.11.2016

Sukhdeep Kaur @ Simmi

...Petitioner

versus

Sarwan Singh and ors.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Ritesh Pandey, Advocate
for the petitioner.

RITU BAHRI J.(Oral)

Challenge in the present petition is to the order dated 09.12.2015 (Annexure P-2) vide which the application filed by the petitioner for recalling the witness has been dismissed and order dated 10.11.2016 (P-3) vide which the revision petition filed against the above said order has been dismissed.

Learned counsel for the petitioner at the very outset, has referred to zimini orders whereby after recording the pre charge evidence of the complainant, it was closed on 06.10.2015 and was fixed for 30.10.2015 for consideration on charge. Thereafter, on 24.11.2015, learned counsel for the parties submitted that there are chances of amicable settlement between the parties and the matter was adjourned to 3.12.2015 before the Lok Adalat and on 23.12.2015, the counsel made a statement that compromise could not be effected and the matter was adjourned to 12.03.2016 for consideration on charge but in the meantime, learned counsel for the petitioner came to know that two witnesses were not cross examined by the accused and their pre charge evidence have been closed.

Learned counsel for the petitioner submits that the pre-charge

evidence of the petitioner has been closed by mistake as at that point of time, the matter was likely to be compromised due to that reason, petitioner was more concerned with her settlement rather to take the litigation.

Keeping in view the above peculiar facts, order dated 09.12.2015 (Annexure P-2) and 10.11.2016 (P-3) are hereby set aside and the instant petition is ***allowed*** and the trial Court is directed to give one opportunity to the accused to cross examine the witnesses of complainant, as mentioned in Annexure P-2 on 16-12-2016 and thereafter proceed with the trial.

November 28, 2016
G Arora

(***RITU BAHRI***)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>