

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

**Criminal Misc. No. M-54 of 2016
Date of Decision:-18.01.2016**

Gurjinder Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Rajnish Gupta, Advocate
for the petitioner.

Mr. Manish Bansal, Deputy A.G., Haryana.

HARI PAL VERMA J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of order dated 6.2.2015 passed by learned Judicial Magistrate 1st Class, Sirsa, whereby the opportunity to cross-examine PW-1 Dr. Sania Garg has been closed by order. Challenge has also been made to the order dated 10.4.2015, whereby revision petition filed by the petitioner against the order dated 6.2.2015 has been dismissed by the learned Sessions Judge, Sirsa.

Learned counsel for the petitioner contends that Dr. Sania Garg could not be cross-examined for the reason that her counsel was not present.

Learned State counsel has defended the order dated

6.2.2015 and submits that the petitioner was given ample opportunity and even the case was adjourned three times in a day, still the Dr. Sania Garg was not cross-examined.

Heard.

There is no dispute that Dr. Sania Garg has come all the way and is pursuing her M.S. Degree from South India. It is very difficult for her to come all the way after covering a long distance.

However, taking into consideration the fact that it is because of non-availability of the counsel for the petitioner, the said doctor could not be cross-examined, one more opportunity is granted to the petitioner to cross-examine Dr. Sania Garg subject to payment of Rs.5000/- as cost. In case the petitioner deposits Rs.5000/- with the trial Court within a week, let fresh summons to Dr. Sania Garg be issued for a date, which is convenient to her.

Disposed of.

It is made clear that this order is only confine to one opportunity and petitioner shall cross-examine Dr. Sania Garg on the said date.

January 18, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE