

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

CRM M-5938 of 2016

Date of decision : 18.02.2016

Harbilas

....Petitioner

V/s

State of Punjab & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Saravpreet Gurna, Advocate for the petitioner.

RAJAN GUPTA J.

Petitioner has impugned order passed by trial court dismissing his application under section 311 Cr.P.C.

Learned counsel for the petitioner at the outset submits that in case one opportunity is granted to the petitioner, he would cross-examine the witnesses namely Swaran Kaur and Kuldeep Kumar.

I have heard learned counsel for the petitioner.

It appears that a complaint was instituted way-back in the year 2008. As petitioner failed to cross-examine the witnesses namely Swaran Kaur and Kuldeep Kumar, order dated 19.10.2015 was passed observing that cross-examination of said witnesses be treated as nil. Petitioner, thereafter, moved application under section 311 Cr.P.C. seeking to recall the same witnesses for cross-examination. Prayer has been declined by the court below.

Keeping in view facts and circumstances of the case and vide powers conferred on the court under section 311 Cr.P.C., I deem it fit to grant one opportunity to the petitioner to cross

examine the witnesses namely Swaran Kaur and Kuldeep Kumar. This, however, will be subject to payment of ₹10,000/- as costs to be remitted to respondent no. 2. This court has not felt the necessity to issue notice to respondents as only one opportunity is granted for cross-examination.

Petition is allowed in these terms.

February 18, 2016

Ajay

(RAJAN GUPTA)
JUDGE