

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

CRR-882-2016 (O&M)

Date of decision: March 03, 2016

RAJINDER SINGH

...PETITIONER

Versus

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. S.K. Garg Narwana, Senior Advocate with
 Mr. Dilbagh Singh, Advocate and
 Mr. Deepak Hooda, Advocate
 for the petitioner.

NARESH KUMAR SANGHI, J.

Challenge in the present criminal revision petition is to the order dated 06.01.2016, passed by learned Judicial Magistrate First Class, Rohtak whereby the application moved by the petitioner-Rajinder Singh and his co-accused for recalling Smt. Kamla Devi (PW-6) for further cross-examination was dismissed.

Learned senior counsel has confined his prayer that only one chance may be afforded to the petitioner to put following four questions to Kamla Devi (PW-6) otherwise he would be prejudice in his defence:-

- i) Whether the land was mortgage with the bank, for what amount?*
- ii) When the loan was taken?*
- iii) When the land was fixed of auction for non-payment of loan amount?*
- iv) That on which date you all, your mother Sunehri, your brother Rajinder, your sister Rubina and you, deposited the loan amount in Kashtriya Gramin Bank Karontha?*

He further submits that at the time when Smt. Kamla Devi (PW-6) appeared as a witness, the eventuality of such questions had not arisen. The above questions would be essential for the just decision of the case.

At the asking of the Court, learned counsel for the State of Haryana accepts notice on behalf of the State and a complete set of paper-book has been supplied to him in the Court today.

Learned counsel for the parties are in unison that the present petition can be disposed of without calling the record from the Court below. Learned State counsel has agreed that the aforementioned four questions can be permitted to be put to Kamla Devi (PW-6) for further cross-examination.

After hearing learned counsel for the parties, the present petition is disposed of with a direction to learned trial Court to summon Smt. Kamla Devi (PW-6) for putting the four questions enumerated hereinabove in her cross-examination and thereafter, to proceed with the trial in accordance with law.

It is made clear that only one opportunity would be afforded to the petitioner to put the above-mentioned questions in the additional cross-examination of Smt. Kamla Devi (PW-6)

Learned senior counsel assisted by Mr. Deepak Hooda, Advocate undertakes that the co-accused of the petitioner would not further cross-examine Kamla Devi (PW-6).

Disposed of, accordingly.

(NARESH KUMAR SANGHI)
JUDGE

March 3, 2016
ps-I