

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

**CRM-M No.29240 of 2017
Date of decision: 11.08.2017**

JIWAN GARG

... Petitioner

Versus

KRISHAN KUMAR

... Respondent

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Ashok Tyagi, Advocate for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has assailed the order dated 25.10.2016 (**Annexure P-1**), denying him opportunity to cross-examine the complainant as well as the order dated 12.05.2017 (**Annexure P-3**), whereby his application under Section 311 Cr.P.C. for recalling the complainant for his cross-examination has been dismissed.

Learned counsel for the petitioner contends that the complainant could not be cross-examined on the previous occasions due to non-availability of counsel for the petitioner as his daughter was admitted in the hospital. He further states that the petitioner should not be penalised for the mistake on the part of his counsel.

Heard.

In view of the limited prayer of learned counsel for the petitioner to grant him an opportunity to cross-examine the complainant, I do not deem it necessary to issue notice to the respondent. The petitioner should not be made to suffer on account of unavailability of his counsel. Therefore, it would be in the interest of justice, if the petitioner is granted one opportunity to cross-examine the complainant.

Consequently, the petition is allowed. The petitioner shall be granted one opportunity to cross-examine the complainant, subject to payment of ₹ 5,000/- as costs.

August 11, 2017
SwarnjitS

(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No