

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

CRM-M-32652-2017

Date of decision: 05.09.2017

Manjot Singh

.... Petitioner

versus

Harsh Nayyar

.... Respondent

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

Anupinder Singh Grewal, J.

The petitioner has challenged the order dated 19.05.2017 (Annexure P-2) whereby the petitioner was not accorded another opportunity to cross-examine the respondent/complainant CW-1 Harsh Nayyar.

Learned counsel for the petitioner contends that the complainant CW-1 Harsh Nayyar could not be cross-examined on 06.03.2017 and the counsel for the petitioner had requested for one more opportunity to cross-examine him. However, trial Court has not granted him another opportunity and treated his cross-examination as nil and fixed the case for recording the statement of the accused under Section 313 Cr.P.C. Learned counsel for the petitioner further contends that the petitioner requires only one opportunity to cross-examine the complainant, which would be necessary for proper adjudication of the matter.

In view of the limited prayer of the petitioner, I do not intend to

issue notice to the respondent.

Learned counsel for the petitioner could not cross-examine the complainant on 06.03.2017 and had requested for another opportunity to cross-examine him, which was declined by the trial Court. It is not the case that the petitioner has sought several opportunities to cross-examine the witness and has not done so even after availing these opportunities. It would be in the interest of justice, if the petitioner is granted one opportunity to cross-examine the complainant.

Consequently, the present petition is allowed and the impugned order dated 19.05.2017 is set aside. The petitioner shall be granted only one opportunity to cross-examine the complainant Harsh Nayyar subject to payment of costs of ₹ 2,500/-.

05.09.2017
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(ANUPINDER SINGH GREWAL)
JUDGE

1. Whether speaking/reasoned?	Yes
2. Whether reportable?	Yes/No