

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

**CRR-2760-2017 (O&M)
Date of decision: - 11.8.2017**

Sukhdev Singh

.....Petitioner

versus

Rohit Chadha

.....Respondent

CORAM: - HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: - Mr. Ramesh Sharma, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Present petition has been filed challenging the order dated 1.8.2017 vide which trial Court has declined to extend time for producing one witness i.e. Parvesh Kumar which was allowed to be examined vide order dated 12.7.2017, in an application filed by the petitioner-complainant under Section 311 Cr.P.C.

A perusal of the order dated 12.7.2017 show that trial Court has allowed recording of statement of Parvesh Kumar as the petitioner wanted to prove a receipt. Petitioner was granted only one opportunity to produce the aforesaid witness on 1.8.2017 at his own responsibility subject to payment of ₹1,000/-.

Learned counsel for the petitioner submits that inadvertently trial Court counsel was under impression that the application has not been allowed and it was still pending consideration/arguments for 1.8.2017.

Learned counsel for the petitioner has also referred to cause list of the trial Court dated 1.8.2017 where the case of the petitioner is shown at serial No. 136 in the category of consideration and not in the category of evidence.

Vide impugned order, trial Court has held that the petitioner was granted only one opportunity on payment of ₹ 1,000/- as cost and on that date, neither the cost was paid and nor witness was present, therefore the case was fixed for the defence evidence.

After hearing learned counsel for the petitioner, I am of the opinion that it will be in the interest of justice, if one more opportunity is granted to the petitioner to produce the aforesaid witness- Parvesh Kumar along with receipt on his own responsibility of the petitioner, subject to payment of ₹ 5,000/- as costs including the cost of ₹ 1,000/- as ordered by the trial Court vide order dated 12.7.2017.

Trial Court will fix the date for recording the statement of aforesaid witness subject to payment of the aforesaid cost. In case, cost is not deposited, impugned order dated 1.8.2017 shall stand revived.

Disposed of with aforesaid direction.

(ARVIND SINGH SANGWAN)
JUDGE

11.8.2017
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No