

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-5472-2018 in/and

CRM-M-5853-2018

Date of decision: 14.02.2018.

M/s Madhav Exports and others Petitioners.
vs.
M/s Suraj Garg and sons Respondent.

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Pawan Gaur, Advocate, for the petitioners.

ARVIND SINGH SANGWAN,J.(ORAL)

CRM-5472-2018

For the reasons stated in the application, the same is allowed and the date of hearing fixed in the main case is proponed from 09.03.2018 to today.

CRM-M-5853-2018

Counsel for the petitioner submits that respondent-complainant, on an earlier occasion moved an application for summoning of five witnesses mentioned at serial No. 2 (c) to (e) and the same was allowed on 04.01.2018. However, in the said order, it was observed that *“however, the complainant is directed to file a complete list of witnesses within 1 week positively and deposit the requisite witness expenses accordingly or to produce the witnesses at own responsibility on the next date of hearing without fail.”*

Counsel for the petitioner further submits that on the basis of observation made in the order dated 04.01.2018 passed by the trial Court, vide which only witnesses mentioned at serial No. 2 (c) to (e) were permitted to be examined, the respondent-complainant filed another application for summoning one more witness, namely, Manav, and the same was allowed on the same date.

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Counsel for the petitioner further submits that in earlier application, moved on 31.05.2016, the prayer was to summon the five additional witnesses i.e. Concerned Clerk/Dealing hand of Punjab National Bank, another concerned Clerk/dealing hand of Punjab National Bank, Mainpal, Clerk of Advocate, Vikas Kumar C.A. and concerned Clerk/Record Keeper of Income Tax Department. It is, thus, submitted that on the basis of the aforesaid observation made by the learned trial Court, the respondent-complainant without being any specific order, has now summoned one more witness i.e. Manav and the trial Court had allowed him to deposit the process fee and diet money of this witness.

In view of the above, this petition is disposed of and the trial Court is directed to pass a fresh order with regard to this witness i.e. Manav in the light of provisions of Section 311 Cr.P.C. after affording an opportunity to the opposite counsel. Till such order is passed, the statement of this witness i.e. Manav shall not be recorded.

Disposed of.

14.02.2018
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**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No