

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

Sr. No.112

CRM-M-156-2019

DECIDED ON: January 08, 2019

BHEERA

..PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Randeep Singh, Advocate, for the petitioner.

SUDHIR MITTAL, J. (ORAL)

In this petition challenge has been laid to the order dated 05.12.2018 passed by the Sub Divisional Judicial Magistrate, Guhla, whereby he has dismissed the application of the petitioner for recalling two PWs for cross-examination.

A perusal of the impugned order shows that on 20.08.2018, PW-7 & PW-8 were present for recording their evidence but the case was passed over thrice on the request of the petitioner as his counsel was busy in another Court. After that, their examination-in-chief was recorded but request for cross-examination by counsel for the petitioner was declined on the ground that adequate opportunity had already been given.

Learned counsel for the petitioner submits that the counsel before the trial court was arguing a case before the Court at Kaithal and was delayed in returning to Guhla and thus, the order refusing permission to cross-examine PW7 & PW8 is very harsh.

Notice of motion to respondent No.1 only.

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Mr. S.P. Singh, DAG, Haryana, accepts notice on behalf of the State of Haryana. Let two copies of the petition be supplied to him during the course of the day.

Considering the nature of the order being passed, it is not necessary to serve respondent No.2.

The petition is disposed of modifying the impugned order dated 05.12.2018 to the effect that the petitioner shall be granted one opportunity to cross-examine PW7 & PW8 on the next date of hearing or on any other convenient date.

January 08, 2019

Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No