

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-3444 of 2019 (O&M)

DATE OF DECISION: AUGUST 21, 2019

BALBIR KAUR

...PETITIONER

VERSUS

MOHINDER PAL BHOPAL AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. AJAY PAL SINGH, ADVOCATE FOR THE PETITIONER.
NONE FOR THE RESPONDENTS.

MANOJ BAJAJ, J.(ORAL)

This petition has been filed for quashing the order dated 16.1.2019 (Annexure P-1), passed by the CJM (NRI Cases), Jalandhar whereby the pre-charge evidence of complainant-petitioner was closed.

Notice of this petition was issued on 24.1.2019. However, as per office report, respondent No.3 stands served, however, no one has appeared on her behalf. Respondent No.1 is stated to be out of country and respondent No.2 has expired and proceedings qua him already stood abated as noticed in the impugned order.

Learned counsel for the petitioner contends that only one opportunity be granted to the complainant for examining witness Vijay Kumar in the pre-charge evidence and in case permission is granted, no prejudice would be caused to the accused, who shall have the opportunity to cross-examine the said witness.

It has been already noticed by this Court in the order dated

24.1.2019 that on number of occasions, adjournments were sought on behalf of the accused.

Considering the above, the impugned order dated 16.1.2019, passed by CJM (NRI Cases), Jalandhar is set aside and one effective opportunity is granted to the complainant to conclude the pre-charge evidence by examining the said witness.

Petition is allowed.

August 21, 2019
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No