

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

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CRM-M-9379-2019 (O & M)  
Date of Decision:28.02.2019

Anupinder Singh

...Petitioner

Versus

Tarpinder Singh and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. H.P.S. Ghuman, Advocate  
for the petitioner.

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**MANOJ BAJAJ, J.(ORAL)**

Petitioner has filed this petition to challenge the order dated 21.02.2019 (Annexure P-5) whereby the learned trial Court has proceeded to close the pre-charge evidence of the complainant/petitioner by Court order.

Learned counsel for the petitioner has contended that in a complaint case brought by the petitioner, the respondents were summoned vide order dated 18.10.2018 for facing trial under Sections 323, 148 and 149 IPC. It is pointed out that after appearance of the accused, the pre-charge evidence commenced on 28.01.2019 and the order reads as under:-

*“CW-1 and CW-4 examined in Chief. Cross deferred. On request, for cross examination of CW-1, CW-4 as well as for remaining evidence of complainant, adjourned to 01.02.2019.”*

On 01.02.2019, witnesses CW-2 and CW-3 were partly cross-examined and the matter was adjourned on the request of defence counsel to 08.02.2019 for further cross-examination.

By way of the impugned order passed on 21.02.2019, the Court has proceeded to close the pre-charge evidence of the complainant by Court order. On the said date, the witnesses i.e. CW-2, CW-3, CW-4 and CW-6 were examined completely. On the said date, the complainant was present, however, the cross-examination of complainant/petitioner (CW-1) still remains to be conducted as it stood deferred by the Court on 28.01.2019.

Learned counsel for the petitioner has apprised the Court that the matter is fixed for 01.03.2019 and the complainant will be appearing before the Court and if one opportunity is granted for completion of his cross examination, no prejudice would be caused to the accused.

Considering the above sequence of events, at this stage, this Court is of the opinion that issuance of notice to the accused would just be a formality which would not only further delay the trial proceedings but would cause extra burden upon the accused persons.

In view of the above, the impugned order dated 21.02.2019 (Annexure P-5) is set aside and an opportunity is granted to the petitioner/complainant to get his cross-examination concluded.

In case for some reason, atleast not attributable to the complainant/petitioner, the cross examination is not concluded, the Court shall fix the date for the same.

Petition is disposed off.

28.02.2019

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**(MANOJ BAJAJ)**  
**JUDGE**

Whether Speaking/Reasoned: Yes/No  
Whether Reportable : Yes/No