

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

**Crl. Misc. No.M-22796 of 2019 (O&M)
Date of Decision: September 04, 2019**

Surinder Singh and others

.....PETITIONERS

VERSUS

State of Haryana and another

.....RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ram Kumar Saini, Advocate
for the petitioner.

Mr. Kuldeep Sharma, D.A.G., Haryana.

Mr. Narinder Singh Swaitch, Advocate
for respondent No. 2.

SURINDER GUPTA, J.(Oral)

Reply filed by learned counsel for respondent No. 2 today in
the Court is taken on record.

Heard.

Dharambir-ACP appeared as PW-13 and his cross-examination
was recorded as 'Nil'.

Learned counsel for the petitioners submits that counsel for
accused (petitioners) had suffered a fracture, as such, he could not appear in
the Court on that day and cross-examine the witness ACP Dharambir.
However, his associate counsel was present and sought adjournment.

PW-13 Dharambir had given a report on the complaint of

complainant- Taranjeet Singh prior to the recording of the FIR. He had proved the complaint and report only.

Keeping in view the submission of learned counsel for the petitioners and the fact that accused should be allowed opportunity to cross-examine the prosecution witness whose testimony may not be taken as unrebutted and cause prejudice to him, this petition is allowed. The order of the learned trial Court dated 23.01.2019 is set aside, subject to costs of ₹2500/- to be deposited with Legal Services Authority, Gurugram within a period of two weeks. The trial Court will provide only one opportunity to the petitioners to cross-examine this witness. In the event of cross-examination being not conducted for either reason on the date fixed, the trial Court will not provide any further opportunity to the petitioners to cross-examine the witness aforesaid.

(SURINDER GUPTA)
JUDGE

September 04, 2019
Jyoti-II

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***