

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

CRR No. 1544 of 2019

Date of decision: 05.07.2019.

Pardeep Singh Pannu

..... Petitioner.

Versus

Kuldeep

..... Respondent.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. R.N. Lohan, Advocate, for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the order dated 29.05.2019 passed by the trial Court whereby his application for cross-examination of the respondent (complainant) has been dismissed.

Learned counsel for the petitioner contends that the petitioner is facing trial under Section 138 of the Negotiable Instruments Act, 1881. The respondent (complainant) could not be cross-examined earlier and grave prejudice will be caused to the petitioner in case he is denied the opportunity to cross-examine the respondent (complainant). He also contends that the petitioner may be granted only one opportunity to cross-examine the respondent (complainant), subject to payment of reasonable cost.

It is manifest from the impugned order that the opportunity to cross-examine the respondent (complainant) has been denied to the petitioner as the application was moved after a considerable time and the trial Court has observed that it is a ploy to delay the trial. However, in view of the limited

prayer of the petitioner, I deem it appropriate to dispose of the petition without issuance of notice to the respondent (complainant). The petitioner is seeking only one opportunity to cross-examine the respondent (complainant). Denial of opportunity to cross-examine the respondent (complainant) may jeopardize the principles of fair trial and natural justice.

Consequently, the petition is allowed and the petitioner is granted one opportunity to cross-examine the respondent (complainant), subject to payment of ₹10,000/- as cost to the respondent (complainant). The trial Court is directed to conclude the trial expeditiously.

(ANUPINDER SINGH GREWAL)
JUDGE

05.07.2019

Ramesh

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No