

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

146

CRR-2276-2019

DATE OF DECISION: 09.09.2019

GULZAR SINGH SANDHU

... Petitioner(s)

Versus

PUNJAB AND SIND BANK

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Munish Gulati, Advocate
for the petitioner(s).

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has impugned the order dated 06.08.2019 whereby his evidence was closed.

Learned counsel for the petitioner contends that DW-1 Karamjit Kaur, who is wife of the petitioner, was partly examined on 23.07.2019 and her cross-examination was deferred. She could not be cross-examined when the matter had come up before the trial Court on 06.08.2019 as she was unwell and she had produced prescription from the hospital, which was not considered by the trial Court as the date was erroneously mentioned as 30.07.2016 instead of 30.07.2019. He contends that the petitioner be granted only one effective opportunity for cross-examination of DW-1 as the non-examination of DW-1 would cause prejudice to the case of the petitioner. The petitioner is facing trial in a complaint under Section 138 of the Negotiable Instruments Act wherein the cheque issued by the petitioner for a sum of Rs.91,386/- on

08.03.2018 in favour of the respondent Bank, was allegedly dishonoured.

In view of the limited prayer of the learned counsel for the petitioner, I intend to dispose of this petition without issuing notice to the respondent.

The petitioner is seeking only one opportunity to examine DW-1 as non-examination of DW-1 may cause prejudice to the petitioner which may violate the right to fair trial as enshrined under Article 21 of the Constitution of India. Therefore, it would be in the interest of justice, if one effective opportunity would be given to the petitioner.

The petition is disposed of with a direction to the trial Court to grant one opportunity to the petitioner for examination of DW-1, subject to cost of Rs.5,000/- to be deposited with the Legal Services Authority, Moga.

09.09.2019

SwarnjitS

**(ANUPINDER SINGH GREWAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No