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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SANJIV KUMAR SHARMA
2019.11.28 18:57
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CRR-2865-2019
Date of decision : 27.11.2019

Krishan Petitioner

Versus

State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Pardeep Virk, Advocate
for petitioner.

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HARINDER SINGH SIDHU, J.

The petitioner is facing trial in case FIR No. 135 of 2018 registered under Sections 302, 307, 34 IPC and under Section 25 of Arms Act, at Police Station Sadar, Panipat. The petitioner had earlier moved an application before trial Court for deferring the cross examination of Vikas Malik (PW1) till the receipt of FSL report. The said application was declined, vide order dated 30.9.2019 and cross examination of PW1 was partly conducted by learned counsel for petitioner and partly by learned legal aid counsel. The petitioner assailed the order of trial Court declining his application to defer the cross examination of PW1 before this Court by filing CRM-M-18205-2019, which was dismissed, vide order dated 15.5.2019 (Annexure-P-2). It was recorded in the order that report of FSL has been received. Copy thereof was also given to learned counsel for petitioner so as to facilitate further proceedings before the trial Court in accordance with law. Thereafter, petitioner moved an application before trial Court for recalling Vikas Malik (PW1) to cross examine him with reference to FSL report. The said application has been dismissed by trial Court, vide impugned order.

The learned counsel for petitioner contends that trial Court has misconstrued the order dated 15.5.2019 of this Court. This Court had taken on record copy of FSL report which was also furnished to learned counsel for petitioner so as to facilitate further proceedings before trial Court in accordance with law. This cannot be construed that right of petitioner to

cross examine PW1 with reference to FSL report was declined. The Court had not quashed the order of the trial Court dismissing the application of the petitioner for deferring the cross examination of PW1. The rights of the petitioner to proceed as per law consequent on receipt of FSL report were protected.

Notice of motion.

Mr. Ashish Sanghi, DAG Haryana, accepts notice on behalf of State.

In view of aforesaid, impugned order dated 30.9.2019, passed by trial Court is quashed. The trial Court is requested to grant one effective opportunity to petitioner to recall PW1 Vikas Malik for further cross examination limited to FSL report. The cross examination of PW1 be concluded in one date.

(HARINDER SINGH SIDHU)
JUDGE

27.11.2019

sjks

Whether reasoned order : Yes / No

Whether reportable : Yes / No