

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-52506-2019 (O&M)
Date of decision: 10.12.2019

Harnek Singh

... Petitioner

Vs.

Pankaj Grover

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Jaideep Verma, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for setting aside the order dated 15.11.2019 passed by the trial Court in criminal complaint No.COMA/777/2015, registered on 07.11.2015, vide which evidence of the petitioner was closed by Court order.

Learned counsel for the petitioner submits that handwriting expert Ms. Gurmeet Kaur has already inspected the file and has submitted her report on 15.11.2019, however, at the time, when her statement was recorded, defence evidence of the petitioner was closed vide impugned order. It is further submitted that the case was initially listed on 02.11.2019 and was adjourned to 15.11.2019 to conclude the defence evidence. There were holidays from 09.11.2019 to 12.11.2019 and therefore, the handwriting expert could not be examined, due to shortage of time, but she tendered her report before the trial

Court. It is also submitted that in the meantime, the trial Court, vide impugned order, closed the evidence of the petitioner, by adopting a very harsh view. Learned counsel further submits that immediately thereafter, the petitioner moved an application before the trial Court for producing the report on record and to recall the impugned order, however, the same was not accepted.

After hearing learned counsel for the petitioner and considering the fact the complaint pertains to the year 2015 and issuance of notice of motion in the present petition will delay the further proceedings before the trial Court, this petition is allowed and the impugned order dated 15.11.2019 is set aside. The petitioner is granted one effective opportunity to conclude his entire evidence, as the right of defence is an important right given to the accused to prove his innocence.

The trial Court is directed to fix one effective date and will ensure that on the said date, the handwriting expert Ms. Gurmeet Kaur is present in the Court. However, this will be subject to deposit of costs of Rs.10,000/- to be paid to the respondent-complainant.

Disposed of, accordingly.

[ARVIND SINGH SANGWAN]
JUDGE

10.12.2019
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No