

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

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CRR-112-2021

Date of decision : 22.03.2021.

Rinku Sharma

... Petitioner

Versus

State of Haryana

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Kamal Deep Sehra, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the order dated 25.01.2021 whereby his application to examine the defence witness, namely, Dinesh Kumar has been dismissed.

Learned counsel for the petitioner contends that the petitioner is seeking only one opportunity to examine the defence witness, namely, Dinesh Kumar who was earlier present but could not be examined. He, however, contends that the trial Court has erroneously recorded that when this witness was present on 04.01.2021, he had stated that he is a shopkeeper and is ready to depose in the Court that he had asked the complainant to take the death certificate of his mother from MC, Gurugram. This fact is not borne out from the order sheet as it is nowhere recorded that this witness had made any statement in the Court. He also contends that the petitioner wants only one opportunity to examine this witness subject to reasonable costs. He also undertakes that the petitioner will not make any effort to delay the trial.

Issue notice to the respondent.

At the asking of the Court, Mr. Bhupender Singh, DAG, Haryana,

accepts notice on behalf of the respondent and states that the petitioner had

been granted several opportunities to examine this witness and therefore, there is no illegality in the impugned order.

Heard.

The petitioner is seeking only one opportunity to examine the defence witness. It appears that the trial Court has erroneously recorded that this witness had made a statement while there is no such statement on record. In view of the limited prayer of the petitioner, it would be in the interest of justice, equity and fair play if the petitioner is accorded an opportunity to examine the defence witness.

Consequently, the petition is allowed and the petitioner shall be afforded one opportunity to examine the defence witness, namely, Dinesh Kumar s/o Sh. Roshan Lal within a period of ten days from now subject to payment of ₹10,000/- as costs to be deposited in the Haryana State Legal Services Authority.

However, it is made clear that the petitioner shall not make any effort to delay the trial and adequate opportunity would be given to the prosecution to cross-examine this witness.

(ANUPINDER SINGH GREWAL)
JUDGE

March 22, 2021
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No