

2023:PHHC:164410

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203/2

CRM-M-19389-2022

Date of Decision : December 19, 2023

RAJESH KUMAR AND ANOTHER

.....Petitioners

VERSUS

SHIPICA SINGLA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Kapil Gupta Advocate for
Mr. Vivek Goyal, Advocate,
for the petitioners.

Ms. Nidhi Jain, Advocate for
Mr. Sidharth Jain, Advocate,
for the respondent (through V.C.)

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, prayer is made for setting aside the order dated 19.04.2022 (Annexure P-1), vide which the opportunity to cross-examine the complainant (respondent herein), was closed by the court order, on the two premises; first, that two effective opportunities have been granted to the accused concerned to conduct the cross-examination and secondly, the payment of interim compensation which was awarded by the learned trial Court concerned, was not paid.

2. Learned counsel for the petitioners, submits that in fact only one opportunity was granted for cross-examination to the petitioners on dated 19.04.2022, and prior thereto, no effective opportunity was granted to the petitioner to conduct the cross-examination of the complainant.

3. He further submits that in case the petitioners/accused are

not granted the permission to cross-examine the complainant, then the instant criminal proceeding tantamount to *ex parte* proceeding against them, as the cross-examination is the only tool through which the accused/petitioner can establish his innocence.

4. He further submits that the petitioners are ready to compensate the complainant for delay, which is caused due to the present petitioners/accused in disposal of the present summary trial, and also ready to pay the interim compensation which was awarded by the learned trial Court concerned.

5. On the other hand, learned counsel for the respondent/complainant fairly admits that only one opportunity i.e. on dated 19.04.2022, was granted to conduct the cross-examination, and therefore, in case one more opportunity is granted to the petitioners/accused, she would not have any objection to the same.

6. She further submits that the petitioner is intentionally causing delay in the conclusion of the trial, therefore, heavy cost should be imposed upon him.

7. Be that as it may be, without going into deep nitty-gritty of the dispute as raised before this Court, this Court deems it appropriate in view of the facts and circumstances, as explained above, to allow the instant petition by granting one last opportunity to conduct the cross-examination of the respondent/complainant, subject to payment of Rs.25,000 as costs, to be paid to the respondent/complainant, alongwith the condition that interim compensation, which has been assessed by the learned trial Court concerned, shall also be paid to the respondent/

complainant.

8. In case, both the conditions imposed by this Court is complied with, the learned trial Court concerned, shall extend one last opportunity to the petitioners/accused, to conduct and conclude the cross-examination of the respondent/complainant.

9. Disposed of accordingly.

December 19, 2023
dharamvir

(KULDEEP TIWARI)
JUDGE

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